

**Skills and Values Competency Requirement:  
Pathway #1 Certification of Competency for the International LLM Program**

LL.M. students commencing study after August 1, 2018 who plan to apply for admission to the New York State Bar must satisfy one of five pathways under Section 520.18 of the Court of Appeal's Rules for the Admission of Attorneys and Counselors at Law regarding skills competency and professional values.

For Pathway 1, the Law School will certify a student as having basic competence and the ability to participate ethically in the legal profession if the student successfully completes the following classes:

- Legal Profession or Professional Responsibility Seminar
- LLM Legal Research and Writing
- At least one of the following:
  - U.S. Constitutional Law I
  - U.S. Constitutional Law II
  - Federal Civil Procedure
- Advanced Legal Analysis II (bar preparation course)

In addition to the required courses set out above, at least six credit hours must be successfully completed from the following bar courses:

- Criminal Procedure: Investigation
- Criminal Procedure: Adjudication
- Constitutional Law I
- Constitutional Law II
- Contracts I
- Contracts II (Contracts I is a prerequisite)
- Commercial Law Survey
- Federal Civil Procedure
- Torts
- Evidence
- Business Organizations
- Property I and/or II
- Trusts & Estates
- Criminal Law

(Currently proposed as an addition: At least six credits from the menu of experiential courses, one of which must be a clinic or field placement.)



**Skills and Values Competency Requirement:  
Pathway #1 Certification of Competency for the JD Program**

**I. Skills Competency Requirement for Admission to the Bar**

Students who began their legal education after August 1, 2016 have an additional requirement in order to be admitted to the New York State Bar. The new requirement, provides that students demonstrate that they possess the skills and values necessary to provide effective and ethical representation. One of the ways that students can demonstrate competence is through law school certification. The criteria are set out below:

22 NYCRR 520.18 provides as follows:

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and

(b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

## **II. Learning Outcomes: Basic Skills and Values**

Albany Law School's learning outcomes describe the foundational lawyering competencies that each student will develop by graduation. The Law School's curriculum is designed to ensure that every student who graduates from Albany Law School will have achieved basic competence in the following skills and values at the time they graduate from the law school:

- Demonstrate foundational knowledge and understanding of substantive and procedural law.
- Demonstrate ability to effectively communicate in the legal context, in writing and orally.
- Demonstrate basic legal research, legal analysis, legal reasoning and problem-solving skills.
- Demonstrate the ability to exercise proper professional and ethical responsibilities to clients and to the legal system.
- Demonstrate knowledge and understanding of the Lawyer's professional responsibility to advance the mission of service to the underrepresented so that all individuals have equal access to the privileges of our justice system.
- Demonstrate an awareness and understanding of the knowledge, skills, and values necessary to be competent and effective lawyers in a multicultural world.

## **III. Our Plan for Incorporating and Assessing These Skills and Values**

The following describes how the skills and values that make up our learning outcomes are incorporated across our curriculum and how we can assess and certify that our students, upon graduation, are competent to ethically conduct themselves in the practice of law:

### **A. Demonstrate foundational knowledge and understanding of substantive and procedural law**

#### **First year Foundation:**

All students are required to take the following foundational law courses: Contracts (5 credits), Federal Civil Procedure (4 credits), Property (6 credits), Torts (4 credits), Criminal Law (3 credits), Constitutional Law (4 credits), and Introduction to Lawyering (6 credits). Students must receive a passing grade in each course. If a student does not receive a passing grade, the student must repeat the course until he or she receives a passing grade. Students who do not

receive at least a "C" average at the end of their first year are academically dismissed. Students who have successfully completed their first year of studies have demonstrated basic competence in these foundational courses

### **Upper Division:**

In their second year, students are required to continue their study of Constitutional Law by taking an additional 2 credits focused on First Amendment rights. Additionally, students are required to take Evidence (4 credits) and Legal Profession or Professional Responsibility Seminar (3 credits). Because these courses are required, students must receive a passing grade or must retake the course until they achieve a passing grade in order to demonstrate foundational knowledge.

Recognizing several years ago that traditional legal education did not completely prepare students for practice in the modern world because of its focus on a common law curriculum, Albany Law School made three changes that reflect the need for new lawyers to understand the impact of globalization, the development of the regulatory state, and the need to place law practice in a meaningful social context. Upper division students are now required to take and receive a passing grade in at least one course from a menu of courses that fulfill an Administrative Law requirement. This is to ensure that every student has exposure to and an understanding of the substance and procedural aspects of our administrative law system.

Upper division students are also required to take and receive a passing grade for at least one international law course to ensure that they are exposed to the impact of globalization.

All upper division students are required to take and earn a passing grade in at least one clinical course through the Albany Law Clinic and Justice Center. Students must enroll and receive a passing grade in one of our in-house clinics or Field Placements in order to fulfill this requirement. Clinical courses reinforce substantive and procedural law in a real-world context to help students understand the law and its application to real clients.

### **Foundations for Professional Success Program:**

In order to ensure that we are able to certify students as having basic competence, we recognize that students whose grade point average places them in the bottom 25% of their class at the end of the second semester need to strengthen their knowledge if they are to compete effectively and perform competently both in law school and as practicing attorneys. At the end of the second semester of law school, students whose grade point average places them in the bottom 25% of their class are required to take and pass Advanced Legal Analysis II, and are also required to take and receive a passing grade in five (5) additional courses from the list below in addition to all other graduation requirements:

- 1) Criminal Procedure: Investigation or Criminal Procedure: Adjudication
- 2) Business Organizations
- 3) Conflicts of Laws



- 4) Trusts & Estates
- 5) Family Law or Matrimonial Law or Family Law Practicum
- 6) Sales
- 7) Secured Transactions

**B. Demonstrate ability to effectively communicate in the legal context, in writing and orally**

**First Year Foundation:**

All students are required to take Introduction to Lawyering in their first year and that course forms the foundation for teaching students how to communicate effectively in the legal context both in writing and orally. Introduction to Lawyering challenges students to think like professionals from the first day of law school. Students are assigned to “firms” representing parties in a year-long simulated legal dispute and are introduced to the legal system, ethics, and the skills and values of the profession.

In the course of representing a client throughout two semesters, students begin fact development by interviewing clients, exploring the statutes and cases relevant to the client’s situation, and learning analytical and writing skills by producing legal documents needed to represent the client.

The skills introduced through highly structured research and writing assignments in the first semester are honed in the second semester as students engage in fact development on a second issue through a discovery process that emphasizes the relationship between law and facts, conduct independent legal research, and write and re-write the relevant legal analysis first in a trial court memorandum and then in an appellate brief. Through this process, students receive a thorough grounding in statutory analysis, rule synthesis, and analytical legal writing. By participating in settlement negotiations and appellate arguments, students also develop their analytical skills through oral communication exercises that reinforce the written assignments.

Albany Law School has long recognized that by placing legal writing exercises in the context of legal problem solving and learning through experience, students are better prepared and practice ready. Students must receive a passing grade in two semesters of Introduction to Lawyering in order to demonstrate basic competency in the ability to communicate in the legal context

**Upper Division Continuation of Skill Development: Upper Level Writing Requirement**

As a requirement for graduation, and by the end of his or her penultimate semester of law school, a student must produce a substantial legal research paper and must receive a grade of B or higher. A student may satisfy this requirement in one of the following ways:

- 1) By successfully completing a legal research paper under the supervision of a full-time faculty member;
- 2) By producing a publishable work as a member of one of the Law School’s eligible student-edited journals;
- 3) By successfully completing a course taught by a full-time faculty member and designated as requiring for its completion production of a paper that satisfies the

- writing requirement;
- 4) By producing a research paper in connection with any course taught by a full-time faculty member, if the faculty member determines that the paper is sufficient to satisfy the requirement.
  - 5) By producing a work product resulting from such substantial research and writing in a clinical course that the product is the equivalent of a legal research paper.
  - 6) By producing a research report resulting from such substantial research and writing as a Sandman Fellow that the report is the equivalent of a legal research paper.

The stated objectives of the upper class writing requirements are as follow:

- 1) To demonstrate the student's specialized knowledge of a particular area of law;
- 2) To develop critical thinking, writing, and analytical skills;
- 3) To extend and improve research skills;
- 4) To improve writing skills; and
- 5) To ensure basic competency in research and writing in a legal context

All faculty use the following grading criteria for the Upper Level Research Paper:

#### **A. Content**

- 1) well-defined approach to topic and important points covered
- 2) material chosen appropriately and analysed rather than reproduced
- 3) adequate support for arguments made
- 4) each point clearly related to the argument/direction of the paper
- 5) accurate use of research material
- 6) proper and complete citation to all sources

#### **B. Argument/Analysis**

- 1) thorough understanding of the issues
- 2) critical and original analysis of the material
- 3) suggestions for change where appropriate
- 4) interdisciplinary perspective where appropriate
- 5) arguments are logical and well-organized - ideas linked coherently
- 6) arguments support opposing points of view addressed
- 7) well-reasoned conclusions

#### **C. Research**

- 1) research covering primary and secondary materials
- 2) thorough coverage of potential sources
- 3) good organization of sources
- 4) use of theoretical material where appropriate

#### **D. Reflection**

- 1) evidence of close consideration of the question and the research materials drawn on
- 2) ability to synthesise all the research materials used
- 3) originality of arguments/approach/ideas/questions raised

#### **E. Writing Skills/Style**

- 1) appropriate use of structure, section headings, and paragraphs
- 2) clarity and conciseness of expression
- 3) use of appropriate terminology and correct grammar, syntax, and spelling
- 4) full and accurate footnotes

#### **F. Adherence to Deadlines:** Faculty will set deadlines for the following:

- 1) Topic Proposal: One-page description of the problem or case that will be the focus of your paper.
- 2) Proposed Plan for Research
- 3) Thesis Statement, Outline, and Revised Research Plan
- 4) First Draft (including citations to authority in footnotes or endnotes).
- 5) Second Draft
- 6) Subsequent Drafts as Required by Faculty Supervisor

#### **Upper Division Continuation of Skill Development: Clinical Courses**

As stated previously, every student is required to take at least one clinical course. Clinical courses include our in-house clinics (Health Law Clinic, Family Violence Clinic, Domestic Violence Prosecution Hybrid Clinic, Community Development Clinic, and Immigration Clinic – all 5 – 6 credits), one of our many Field Placements (4 credits), Summer in Government Placement Program (6 credits), Semester in Practice Program (12 credits), the Attorney General’s Litigation Bureau Apprenticeship (5 credits), and our Mediation Apprenticeship Program (4 credits).

Clinical courses intentionally expose students to real-world lawyering challenges by immersing them in the practice of law. Clinical courses use faculty supervision to guide the student along a path of self-discovery, development of professional values, and refinement of judgment and decision-making. All clinical courses provide opportunities for students to hone their writing skills and their oral advocacy skills in a variety of ways. All courses have a classroom component that ensures that students have an additional experience in drafting legal documents and oral communication. Students are assessed on these skills and must receive a passing grade in the course in order to graduate and be certified that they possess the skills and values necessary to provide effective and ethical representation.



## **C. Demonstrate basic legal research, legal analysis, legal reasoning and problem-solving skills**

### **First Year Foundation**

The year-long Introduction to Lawyering course, as described above, lays the foundation for students to demonstrate competency in basic legal research, legal analysis, legal reasoning and problem-solving. As stated above, these skills are individually assessed by faculty and students must receive a passing grade in the course which indicates basic competence at the first-year level.

### **Upper Division Continuation of Skill Development: Upper Level Writing Requirement**

In the upper division, competency in the skills of legal research, legal analysis, legal reasoning and problem-solving are enhanced and reinforced through the Upper Level Writing Requirement, also described above. The specific criteria for assessment of the Upper Level Writing Requirement includes assessment of the legal research, legal analysis, and legal reasoning demonstrated in the paper. All students must receive a B or better on their paper as a graduation requirement and to demonstrate competency in basic legal research. Legal analysis, legal reasoning, and problem-solving.

### **Upper Division Continuation of Skill Development: Clinical Courses**

Albany Law School Clinic and Justice Center is uniquely positioned to consistently deliver on each of these skills, irrespective of which course a student ultimately chooses. As stated above, every student is required to take and receive a passing grade in at least one clinical course in which they earn at least 4 academic credits. Students are allowed to take up to 30 clinical credits and are encouraged to take more than the minimum required. Clinical courses use faculty supervision to focus the student on refinement of their professional judgment, problem-solving, and decision-making.

Each of the clinical courses engages the students in self-evaluation and reflection on a wide variety of subjects including legal analysis and problem-solving. Students create goals including legal analysis and problem-solving at the beginning of each course and, with faculty guidance, regularly revisit their goals in light of their performance. In addition, each clinical course uses the tool of reflection to encourage students to establish a habit of lifelong learning, self-evaluation and continuous professional improvement. This is accomplished not only in the reflections and assessments assigned to students and assessed by faculty in each course, but also in the methodology employed by professors in providing feedback that is comprehensive and focused not only on the skills demonstrated by the student, but on uncovering the value-laden context in which those skills were brought to bear. Students are assessed and given regular feedback on legal reasoning, legal analysis, and problem-solving throughout the clinical course and must receive a passing grade in the clinical course as a graduation and certification requirement.

- D. **Demonstrate the ability to exercise proper professional and ethical responsibilities to clients and to the legal system**
- E. **Demonstrate knowledge and understanding of the Lawyer’s professional responsibility to advance the mission of service to the underrepresented so that all individuals have equal access to the privileges of our justice system.**
- F. **Demonstrate an awareness and understanding of the knowledge, skills, and values necessary to be competent and effective lawyers in a multicultural world.**

**First Year Foundation:**

As described above, the first year students receive a rich and rigorous foundation for understanding professional values and ethical responsibilities through our Introduction to Lawyering course which challenges students to think like professionals from the first day of law school. Students are assigned to “firms” representing parties in a year-long simulated legal dispute and are introduced to the legal system, ethics, and the skills and values of the profession. Students continue representing their “clients” throughout the year during which faculty intentionally design ethical dilemmas associated with the mock problems. Students are assessed on these skills and must receive a passing grade in the course.

**Upper Division: Legal Profession or Professional Responsibility Seminar**

All students are required to take and receive a passing grade in one of two three-credit courses, Legal Profession or Professional Responsibility Seminar. Both courses are designed to give rigorous instruction regarding the Code of Professional Conduct and other laws and regulations pertaining to the professional obligations for the ethical representation of clients. These courses are problem-based so that students are constantly placed in the role of a lawyer for purposes of small group work and class discussion. Students must receive a passing grade in the course to graduate and be certified that they possess values necessary to provide effective and ethical representation.

**Upper Division: Clinical Courses**

As described above, all students are also required to take at least one semester where they participate in a clinic for a minimum of 4 credits. Clinical courses intentionally expose students to real-world lawyering challenges by immersing them in the practice of law. Clinical courses use faculty supervision to guide the student along a path of self-discovery, development of professional values and judgment.

Each of the clinical courses engages the students in self-evaluation and reflection on a wide variety of subjects including professional excellence. Students create goals at the beginning of each course and, with faculty guidance, regularly revisit their goals in light of their

performance. In addition, each clinical course uses the tool of reflection to encourage students to establish a habit of lifelong learning, self-evaluation and continuous professional improvement. This is accomplished not only in the reflections and assessments assigned to students in each course, but also in the methodology employed by professors in providing feedback that is comprehensive and focused not only on the skills demonstrated by the student, but on uncovering the value-laden context in which those skills were brought to bear. In both modeling best practices and allowing students to develop their own through simulation and real-world practice, clinical courses both establish benchmarks for excellence in the profession and provide students with the tools to create their own roadmap to pursue those benchmarks in their careers.

Each of the clinical courses also involves an element of public service, whether it be serving the underserved through direct representation or teaching multicultural awareness and the politics of difference in a supplementary seminar. The focus on access to justice is consistent and clear across all clinical programs as the cornerstone of our obligations to our students and to our community. In the rare instance when a student's field placement or practical experience does not lend itself naturally to an inquiry of equal access and privilege, faculty members supplement through reflection prompts or in-class assignments in deliberate and intentional ways to provide that context. Across the clinical courses, students are challenged to embrace professional habits that center on service to the underrepresented and access to justice.

All of the clinical courses maintain a focus on ethical decision-making, including acknowledging, identifying and combatting implicit bias. Other professional dilemmas are a regular topic of both seminar, practice and reflection, either naturally arising in the casework or intentionally prompted by the supervising faculty member. Issues of multicultural lawyering, diversity and inclusion are also among the professional competencies consistently addressed across the clinical curriculum. Finally, through situating individual cases and controversies within the student's broader career path and further within the legal profession as a whole, faculty who teach clinical courses consistently challenge students to examine their professional choices from a multitude of perspectives and through myriad frameworks.

Students are assessed and given regular feedback on these skills throughout the clinical course and must receive a passing grade in the clinical course as a graduation requirement and to certify that they can competently provide effective and ethical representation.

#### **Upper Division: Skills Courses**

Students are required to take at least two courses that offer substantial skills instruction. Many students fulfill this graduation requirement through the clinical program, but some students additionally take one or more of the following courses. These courses are simulation courses that all place the students in the role of a lawyer and provide intentional opportunities for students to refine and improve their professional judgment and understanding of their obligation for ethical representation of their client. The following courses assess these skills and

a passing grade demonstrates that they have basic understanding and competency in these skills and values:

- |  |                                  |
|--|----------------------------------|
| 1) Alternative Dispute Resolution              | 16) Mediation                    |
| 2) Advanced Legal Writing                      | 17) Negotiating for Lawyers      |
| 3) Appellate Practice                          | 18) New York Practice II Module  |
| 4) Applied Health Policy                       | 19) Overview of Trial Advocacy   |
| 5) Art & Entertainment Law                     | 20) Trial Practice I – Civil     |
| 6) Client Interviewing & Counseling            | 21) Trial Practice I – Criminal  |
| 7) Court of Appeals Intensive                  | 22) Trial Practice II – Civil    |
| 8) Drafting                                    | 23) Trial Practice II – Criminal |
| 9) Entrepreneurship, Law & Emerging Technology |                                  |
| 10) Estate Planning II                         |                                  |
| 11) Fact Investigation                         |                                  |
| 12) Family Law Practicum                       |                                  |
| 13) Judicial Opinion Writing                   |                                  |
| 14) Law and Social Innovation                  |                                  |
| 15) Legal Issues in Medicine                   |                                  |

### **Conclusion**

In addition to the above, Albany Law School offers many other opportunities for students to develop and perfect the skills and values reflected in our learning outcomes. Participation in our moot court program, participation in the many pro bono opportunities available through our Pro Bono Program, and participation on one of three journals all provide additional experiences that will help students hone their abilities in each of the areas we have determined are necessary for the ethical and competent practice of law in New York. Even without this additional participation, however, the skills and values set out in our learning outcomes are incorporated across the required curriculum, and are intentionally assessed to ensure students who graduate from Albany Law School have demonstrated foundational knowledge and understanding of substantive and procedural law, can effectively communicate orally and in writing, have demonstrated basic competence in legal research, legal analysis, legal reasoning, and problem-solving, and are prepared to exercise proper professional judgement for the ethical and competent representation of clients.



### ***The Law School's Certification of its Graduates for Satisfying the NYS Skills Competency Requirement for Admission***

The New York Court of Appeals requires that every applicant for admission to practice (with exceptions specified in Section 520.10 or 520.5 or 520.5) shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. Please consult the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, Part 520.8, available at <https://www.nycourts.gov/ctapps/520rules10.htm#B18>. There are five possible pathways to comply with this requirement.

At Brooklyn Law School, all **JD** students beginning their studies after August 1, 2016 and all **LLM** students beginning their studies after August 1, 2018, who plan to apply for admission to the New York State Bar must submit a certification that they have achieved basic competence in the skills and values of the legal profession. Brooklyn Law School is committed to preparing effective, ethical and responsible members of the legal profession and will certify compliance under **Pathway 1** as follows:

#### **Pathway 1:**

Students will be certified under Pathway 1 as having basic lawyering competence and the ability to practice ethically if the student satisfactorily completes the requirements below. Satisfactory completion is achieving a grade of C or higher in a graded course or a Pass in a course graded on a Pass/Fail basis.

- The Law School's orientation program for entering students which introduces students to the legal profession and values necessary for ethical practice and the skills required to be an effective attorney.
- The following classes:
  - At least four-credits in a course or courses during the first year of law school that teach fundamentals of legal research, legal writing and lawyering skills including negotiation and oral argument.
  - Six additional credits in experiential courses of which at least one course must be a clinic or externship that will expose students to oral and written communication, problem solving, fact investigation, research and writing and case theory/planning.
  - A professional responsibility course.
- Opportunities and encouragement to engage in pro bono service in excess of the 50 hours required which exposes students to oral and written communication, problem solving, fact investigation, research and writing and case theory/planning.

#### **Pathway 3:**

Any student who satisfactorily completes the **NYS Pro Bono Scholars** Program is eligible for certification under Pathway 3.

#### **Pathways 4 and 5:**

**LLM** students should consider completing the requirements of either of these Pathways which do not necessitate certification by the Law School. The Law School will certify any LLM student who completes the requirements of Pathway 1.

For additional information, please consult the NY Court of Appeals website: Frequently Asked Questions, January 2018, available at <http://www.nycourts.gov/ctapps/news/skills.pdf>



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## University of Buffalo School of Law New York State Skills and Values Requirements

<http://www.law.buffalo.edu/current/barExam/nys-skills-requirements.html>.

To be admitted to practice in the state of New York, the NY Court of Appeals will require you to comply with its Skills Competency Requirement and Professional Values Bar Admission Requirement.

This requirement applies to all J.D. students who started law school in August 2016 or later. The University at Buffalo School of Law faculty adopted academic requirements to ensure that all students like you graduating from the law school would be able to comply with this requirement.

To meet the requirement that bar applicants establish acquisition of necessary skills and familiarity with professional values necessary to practice law competently, applicants can demonstrate compliance with New York's Skills Requirement through five different "Pathways." Please note that these requirements are not specifically required for graduation from the School of Law, although some of UB's graduation requirements may assist bar applicants in meeting the admission Skills Requirement.

We anticipate that School of Law J.D. students will use one of three Pathways to seek admission. The law school is prepared to provide documentation to the Court of Appeals to assist in the admission process, if you comply with all Pathway requirements.

**Pathway 1** can be satisfied if you successfully complete your graduation requirements, including Legal Analysis, Writing and Research courses, an ethics class, and six experiential course credits. You must achieve grades of C or above in the experiential courses. The faculty who teach these law courses have designed learning outcomes and assessment methods that will ensure you emerge with the necessary skills and values training to meet the New York Skills Requirement.

**Pathway 2** can be satisfied with fifteen credits of experiential coursework. University at Buffalo School of Law's experiential courses are presented on a list which is updated every semester and can be found on the Registrar's website. This pathway allows applicants to include up to six (6) "credits" from paid or unpaid "non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia." Applicable employment "credits" are used solely for the purpose of meeting the Skills Requirement. If you use this Pathway, employment-based credits **will not** appear on your transcript **nor** count towards your overall graduation requirements. A maximum of three (3) summer employment credits may be obtained in a single summer. Fifty (50) hours of work constitutes one summer employment credit. Special forms must be submitted by you and your supervising attorney if you elect to use outside employment to satisfy a portion of this pathway, and if coordinated with the Registrar's office.

**Pathway 3** can be satisfied if you are accepted into and complete the School of Law's Pro Bono Scholars Program during the spring of your last year. UB's Pro Bono Scholars Program is highly selective and applicants are not guaranteed acceptance.

**Two additional Pathways** allow applicants to fulfill NY's Skills Requirement. The requirements for Pathway 4 and Pathway 5, however, can only be fulfilled outside of your law school course of study. For more information on using those Pathways, refer to the Court of Appeal's website.

The New York Court of Appeals has created a thorough Frequently Asked Questions Download pdf document designed to answer your questions about the Skills Requirement. If you still have further questions, feel free to reach out to UB's Vice Dean for Advocacy and Experiential Learning, Professor Kim Diana Connolly.



## CARDOZO SCHOOL OF LAW

### NEW YORK STATE SKILLS AND VALUES REQUIREMENTS

<https://cardozo.yu.edu/academics>

In 2015, the Court of Appeals adopted a requirement that applicants to the bar demonstrate that they have had essential practical skills training and gained sufficient understanding of professional values for admission to practice in New York. The purpose of this separate admission requirement is to ensure that prospective attorneys possess the requisite skills and are familiar with the professional values required for effective, ethical and responsible practice in this state.

When applying for admission to the New York State Bar, Cardozo JD students must certify that they have satisfied this requirement in one or more of the following ways:

**Pathway 1.** Applicant has:

- a. Attended professionalism panel during 1L orientation;
- b. Completed the 6 required “skills” credits for graduation;
- c. Participated in the mandatory Professional Values workshops sponsored by the Office of Career Services;
- d. Completed Advanced Legal Research;
- e. Completed Professional Responsibility Requirement;
- f. Completed mandatory Legal Writing and Research sessions.

**Pathway 2.** Applicant has submitted proof that he/she has completed 15 credits of practice-based experiential coursework designed to foster professional competency training.

**Pathway 3.** Applicant completed the Pro Bono Scholars Program.

CITY UNIVERSITY OF NEW YORK SCHOOL OF LAW

Pathways to Compliance with New Bar Admission Skills and Values Requirement

<https://www.law.cuny.edu/academics/learning-outcomes/>

An applicant for admission to the New York bar could satisfy the requirement in two ways:

- 1) Pathway 2 allows submission of a certificate that the graduate has completed 15 credits of practice-based experiential coursework, including Lawyering Seminars 2 and 3 (4 credits each first year and second year), plus 7 credits of the required third-year clinics; or
- 2) Pathway 3, the Pro Bono Scholars program.



## **Skills and Professional Values Requirements for Pathway I**

Columbia Law School J.D. students are introduced to a core set of skills and professional values as part of the standard required curriculum. In order to satisfy Pathway I, students must complete the educational program described below.

This training begins in the first year of the J.D. program with the foundational Legal Methods course. The course is divided into two intensive components. Legal Methods I is taught for 21 classroom hours over a seven-day period when the students arrive in August and provides an introduction to legal institutions and processes and the skills necessary in the professional use of case law and legislation. Students learn about the sources, forms, and development of Anglo-American law, the analysis and synthesis of judicial precedents, the interpretation of statutes, the coordination of judge-made and statute law, and the uses of legal reasoning.

Legal Methods II, which is taught over five, three-hour sessions in January, continues this methodological approach but broadens it to give students a menu of choices, reflecting methods employed by lawyers in different professional contexts. Students obtain a background in the principles, theories, and history underpinning the methods being examined. In addition, students engage in experiential work, in which they actively use and reflect upon these methods. Current offerings include Financial Methods for Lawyers, Methods of Persuasion, Methods of Statutory Drafting and Persuasion, Social Justice Advocacy, and Transnational Law and Legal Process.

In addition, students receive training in a range of professional skills and values as part of the required first-year Legal Practice Workshop. The list of skills covered includes:

1. Legal analysis
2. Legal research
3. Written communication, including
  - a. Organization of legal writing
  - b. Persuasion and legal rhetoric
  - c. Reflection, editing, and revision
  - d. Proper documentation of and citation to research sources
  - e. Appellate brief writing
4. Collaboration and teamwork
5. Oral communication and advocacy
6. Client communication
7. Negotiation
8. Professionalism

Note: LL.M. students who plan to sit for the New York Bar are required to take a similar two-credit Legal Research and Writing course in the fall semester. The skills and professional values acquired by the LL.M. students in the Legal Research and Writing course are equivalent to those acquired by the J.D. students in the fall component of the Legal Practice Workshop.

Finally, students acquire the following analytical skills in their other required first-year Foundation courses (Contracts, Civil Procedure, Torts, Criminal Law, Property, and Constitutional Law):

1. Understanding of and facility in the influences of political institutions in law
2. Understanding of and facility in a specific body of law, including major policy concerns
3. Understanding of and facility in doctrinal analysis, including close reading of cases and precedents, and application to facts

In their upper years, students must satisfy the following additional requirements:

- at least one course in legal ethics and professional responsibility, selecting from a menu of general offerings or courses set in different practice contexts
- two faculty-supervised writing and research projects
- a course in Legislation and Regulation
- no fewer than six credits of experiential learning as defined in revised ABA Standard 303(a)(3).

Students in the upper years can choose among a variety of experiential offerings that range across the varieties of legal practice and that build upon the skills introduced in the first-year and immerse students in an additional set of core skills and professional values. Students select from a menu of clinics, externships, simulations, policy and social justice labs, and faculty supervised independent experiential projects. Columbia's experiential offerings provide instruction in one or more of the following core skills and values:

- Effective approaches to problem solving: gathering facts, developing options, assessing the range of possible outcomes, and making decisions
- Collaborating in teams
- Critiquing one's own professional performance
- Professionalism in the representation of clients, identification of personal goals related to development as a lawyer and ability to take advantage of opportunities to make progress on them
- Drafting legal documents and professional correspondence
- Continued development of basic skills and values acquired in the first year, including:
  - o Research skills and strategies; document review and analysis
  - o Analytical thinking; time management; information management
  - o Interviewing and counseling
  - o Oral presentation

In addition, students are provided with myriad opportunities and guidance from counselors to help them define their particular intellectual and professional goals and choose courses that will provide them with opportunities to acquire additional skills and values tailored to these aspirations. Depending on the specific courses the students select, the skills and values they acquire will include some or all of the following:

- Litigation skills, including crafting a theory of the case, communicating a client's goals effectively to a judicial or administrative tribunal, and use of important litigation tools, such as interviewing, motions practice, examination of lay and expert witnesses, oral argument, and briefing
- Negotiation
- Using information transfer and technologies in law and the legal profession
- Applying other disciplines in the analysis and solution of legal problems and in institutional design, including cultural studies, economics, philosophy, political science, psychology, and sociology
- Applying values-based considerations in law-making and legal problem-solving
- Understanding the dynamics and strategies of multi-level systems change
- Developing strategies for addressing structural inequality
- Addressing differences between lawyers' and clients' cultural and economic backgrounds in the process of forming effective attorney-client relationships
- Public administrative skills, including the structuring and restructuring of local, state, federal, and international institutions
- Transactional lawyering, including
  - o Value creation, transactional procedures, and design of strategy for deals
  - o Analyzing, negotiating, and drafting deal terms
  - o Drafting and interpreting important documents used by practitioners in key substantive practice areas
  - o Communicating with and counseling individual and organizational clients on strategy and deal terms
- Understanding principles of accounting and business finance
  - o Statistical reasoning
  - o Working effectively in cross-professional teams to solve multi-dimensional problems
  - o Written, oral, digital, and public communication and data display
- Leadership and management





**New York State Skills Competency Requirement  
for Admission of Attorneys and Counselors at Law**

**Pathway One Plan**

In December of 2015, the New York Court of Appeals adopted Rule 520.18, modifying the requirements for admission to the New York Bar, by creating a Skills Competency Requirement.<sup>1</sup> The requirement, which is applicable to all students who begin their J.D. studies in August of 2016 or thereafter, establishes five pathways by which law students can qualify for admission to the New York Bar. Because we anticipate that the majority of our J.D. students will be certified for admission through Pathway 1, which requires each school to identify and incorporate into its curriculum the “skills and professional values” necessary for its graduates’ “basic competence and ethical participation in the legal profession,” we will first set forth those skills and professional values.

Taking into account a number of factors, including: the career paths of the large majority of our students following graduation; the fact that 90% of our students participate in public interest and government internships in the summer following their first year of law school, and almost all of our students are employed at large corporate firms, smaller private firms, government agencies or public interest organizations in the summer following their second year of law school; the fact that approximately 70% of our students currently take at least one clinic or participate in one externship program in their second or third years; and, the fact that all of our students will be required to take a minimum of 6 credits of experiential learning courses, Cornell Law School has identified in Column A below the skills and professional values which are required for our graduates’ “basic competence and ethical participation in the legal profession.” Column B designates where in the curriculum those skills and professional values are taught and assessed.

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<sup>1</sup> Students also are required to satisfy ABA Standard 303(a)(3), which requires that all J.D. students complete at least 6 credit hours of experiential learning classes.



A	B
Skill	Classes Where Skill Is Taught and Assessed <sup>2</sup>
Problem Solving	All doctrinal, clinical and skills classes
Legal Analysis and Reasoning	All doctrinal, clinical and skills classes
Legal Research including Use of Technology	Lawyering
Factual Investigation	Lawyering
Communication (Written and Oral)	Lawyering Upper-Level Writing Requirement Professional Development Program
Counseling	Lawyering and other 1L classes
Negotiation	Contracts
Litigation Procedures	Lawyering Civil Procedure
Recognizing and Resolving Ethical Dilemmas	Lawyering Professional Responsibility Required Course Professional Development Program
Collaboration	Lawyering Professional Development Program
Competent Representation	Lawyering Professional Responsibility Required Course
Cultural Competence	Lawyering Professional Development Program

<sup>2</sup> Cornell Law School requires all students to take the following courses in their first year: Lawyering, Contracts, Civil Procedure, Torts, Criminal Law, Constitutional Law, and Property. Students are also required to take one upper-level writing course and a class in Professional Responsibility.

Value	Classes Where Value is Taught and Assessed
Provision of Competent Representation	All doctrinal, clinical and skills classes Professional Responsibility Required Course
Striving to Promote Justice, Fairness, and Morality	Lawyering Professional Responsibility Required Course Constitutional Law  The NYS Pro Bono Requirement is also instrumental in promoting this value.
Striving to Improve the Profession	Professional Responsibility Required Course Respect at Cornell (required university program)
Professional Self-Development	Lawyering 1L classes with feedback component Professional Development Program Career-related programming and counseling

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The Law School's Certification of its J.D. Graduates for Satisfying Pathway 1  
of the New York State Bar's Skills and Values Requirement

J.D. students commencing study after August 1, 2016 who plan to apply for admission to the New York State Bar must satisfy one of five pathways under Section 520.18 of the Court of Appeal's Rules for the Admission of Attorneys and Counselors at Law regarding skills competency and professional values. (The section is attached below.)

For pathway 1, the Law School will certify a student as having basic competence and the ability to participate ethically in the legal profession if the student:

- Completes the Law School's orientation program for first year students;
- Completes the following classes:
  - (a) The three-credit 1L Legal Writing and Research, a course that includes simulations in interviewing, negotiation and oral advocacy;
  - (b) Six additional credits of Experiential courses,<sup>1</sup> designated as such by the Registrar, of which three credits must be Fundamental Lawyering Skills, a course that covers fact analysis, interviewing, counseling, negotiation, problem solving, case theory and planning; and
  - (c) At least three credits of a professional responsibility-focused course.

The Law School will certify transfer students if they have completed at least three credits of legal writing and research courses prior to coming to the Law School, successfully complete the Law School's orientation program for transfer students, and completes (b)-(c) above.

The Law School faculty is committed to ensuring that the intent of Pathway 1 of the NY skills competency requirement is met, and has developed learning outcomes that guide the curriculum from which each law student will be choosing courses that meet the above requirements.

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<sup>1</sup> Courses that the Law School has designated as Experiential meet all of the requirements of the American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 303(a)(3).

## Attachment

### §520.18 Skills Competency Requirement for Admission.

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

#### (1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and (b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;

(b) provides opportunities for performance by the student other than traditional classroom discussion;

(c) provides for regular individualized student feedback from a faculty member; and

(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof.

(iv) A student may earn up to six of the fifteen required credits through law school certified non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. The supervising attorney must certify to the law school the 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. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Certification. The certification of an applicant's compliance with this paragraph shall list the courses or parts of courses in the law school curriculum and, if applicable, the work experiences completed by the applicant that meet the 15-credit requirement as set forth herein.

(vi) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (v), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.

(3) Pro Bono Scholars Program. An applicant who has successfully completed the Pro Bono Scholars Program as prescribed in section 520.16 of this Part shall be deemed to have met the skills competency requirement.

(4) Apprenticeship. An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and in good standing in the jurisdiction where the apprenticeship occurs. For an applicant who is unable to secure an apprenticeship in the United States, the applicant may complete the apprenticeship in a law office in another country, territory or commonwealth outside the continental United States, under the supervision of one or more attorneys who have, for at least two years, been in good standing and authorized to practice law in that country, territory or commonwealth. In countries, territories or commonwealths that permit the practice of law without formal admission, supervision by a law graduate who has not been formally admitted to the bar may suffice as long as the supervisor is authorized to engage in the relevant practice under the jurisdiction's



rules, is in full compliance with the jurisdiction's rules, and has had at least two years of experience in the relevant practice.

(i) **Timing.** The apprenticeship shall be continuous for the six-month period, and shall commence after the conclusion of the applicant's law studies, except that an applicant who is required to complete an LL.M. program at an approved law school pursuant to section 520.6(b) of this Part may complete the apprenticeship before commencing the LL.M. program. The apprenticeship must be completed in its totality within the three-year application filing deadline provided in section 520.12(d) of this Part.

(ii) **Supervisor responsibilities.** Apprenticeship supervisors are responsible for (1) certifying the beginning and ending dates of the apprenticeship; (2) providing the applicant with an initial orientation session; (3) implementing a system for assignment that assures that the applicant is 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; (4) providing the applicant with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; (5) giving timely oral and written feedback to the applicant; (6) engaging the applicant in reflection on his/her experiences and learning during the apprenticeship; and (7) certifying that the preceding elements have been complied with, and that the applicant has satisfactorily completed the apprenticeship.

(iii) Any apprenticeship completed under this paragraph shall be conducted in compliance with all applicable federal, state and local laws and regulations.

(5) **Practice in another jurisdiction.** An applicant who has been authorized to practice law in another United States jurisdiction or any other country, territory or commonwealth outside the continental United States may satisfy the skills competency requirement by establishing and submitting proof that the applicant has been in good standing and practiced law in that jurisdiction full-time for at least one year or half-time for two years following the applicant's authorization to practice. Prior legal practice may qualify even if it occurred without formal admission to the bar if the applicant engaged in lawful practice in a country, territory or commonwealth that permits legal practice without formal admission to the bar, and if the prior practice was for at least one year or half-time for two years, in full compliance with the jurisdiction's rules. For an applicant who qualifies for the bar exam after completion of an LL.M. degree pursuant to section 520.6 of this Part, the applicant's practice may occur before or after commencement of the LL.M. program.

(b) **Proof required.** An applicant shall submit to the appropriate Appellate Division department of Supreme Court an Affidavit of Compliance with the Skills Competency Requirement. The Appellate Division may, in its discretion, require the applicant to submit any additional proof it deems necessary to ensure compliance with this section.

(c) **Implementation.** For applicants who qualify for the bar examination under section 520.3 of this Part, and for applicants who qualify for the bar examination under section 520.6 of this Part on the basis of their foreign legal education alone, the requirements of this section shall first apply to those commencing their law study after August 1, 2016. For applicants who qualify for the bar examination under section 520.6 of this Part after the completion of a qualifying LL.M. program, the requirements of this section shall first apply to those commencing their LL.M. program after August 1, 2018.

The Law School's Certification of its LL.M. Graduates for Satisfying Pathway 1  
of the New York State Bar's Skills and Values Requirement

LL.M. students commencing study after August 1, 2018 who plan to apply for admission to the New York State Bar must satisfy one of five pathways under Section 520.18 of the Court of Appeal's Rules for the Admission of Attorneys and Counselors at Law regarding skills competency and professional values. (The section is attached below.)

For pathway 1, the Law School will certify a student as having basic competence and the ability to participate ethically in the legal profession if the student completes the following classes:

- (a) Quantitative Methods for Graduate Students (1 credit).
- (b) Introduction to the U.S. Legal System and Process (3 credits).
- (c) Legal Writing and Research for LL.M. Students (2 credits).
- (d) Five additional credits of Experiential courses<sup>1</sup>, designated as such by the Registrar, of which three credits must be Fundamental Lawyering Skills for LLM Students, a course that covers fact analysis, interviewing, counseling, negotiation, problem solving, case theory and planning; and
- (e) At least two credits of a professional responsibility-focused course.

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<sup>1</sup> Courses that the Law School has designated as Experiential meet all of the requirements of the American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 303(a)(3).

## Attachment

### §520.18 Skills Competency Requirement for Admission.

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and (b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;

(b) provides opportunities for performance by the student other than traditional classroom discussion;

(c) provides for regular individualized student feedback from a faculty member; and

(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof.

(iv) A student may earn up to six of the fifteen required credits through law school certified non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. The supervising attorney must certify to the law school the 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. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Certification. The certification of an applicant's compliance with this paragraph shall list the courses or parts of courses in the law school curriculum and, if applicable, the work experiences completed by the applicant that meet the 15-credit requirement as set forth herein.

(vi) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (v), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.

(3) Pro Bono Scholars Program. An applicant who has successfully completed the Pro Bono Scholars Program as prescribed in section 520.16 of this Part shall be deemed to have met the skills competency requirement.

(4) Apprenticeship. An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and in good standing in the jurisdiction where the apprenticeship occurs. For an applicant who is unable to secure an apprenticeship in the United States, the applicant may complete the apprenticeship in a law office in another country, territory or commonwealth outside the continental United States, under the supervision of one or more attorneys who have, for at least two years, been in good standing and authorized to practice law in that country, territory or commonwealth. In countries, territories or commonwealths that permit the practice of law without formal admission, supervision by a law graduate who has not been



formally admitted to the bar may suffice as long as the supervisor is authorized to engage in the relevant practice under the jurisdiction's rules, is in full compliance with the jurisdiction's rules, and has had at least two years of experience in the relevant practice.

(i) **Timing.** The apprenticeship shall be continuous for the six-month period, and shall commence after the conclusion of the applicant's law studies, except that an applicant who is required to complete an LL.M. program at an approved law school pursuant to section 520.6(b) of this Part may complete the apprenticeship before commencing the LL.M. program. The apprenticeship must be completed in its totality within the three-year application filing deadline provided in section 520.12(d) of this Part.

(ii) **Supervisor responsibilities.** Apprenticeship supervisors are responsible for (1) certifying the beginning and ending dates of the apprenticeship; (2) providing the applicant with an initial orientation session; (3) implementing a system for assignment that assures that the applicant is 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; (4) providing the applicant with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; (5) giving timely oral and written feedback to the applicant; (6) engaging the applicant in reflection on his/her experiences and learning during the apprenticeship; and (7) certifying that the preceding elements have been complied with, and that the applicant has satisfactorily completed the apprenticeship.

(iii) Any apprenticeship completed under this paragraph shall be conducted in compliance with all applicable federal, state and local laws and regulations.

(5) **Practice in another jurisdiction.** An applicant who has been authorized to practice law in another United States jurisdiction or any other country, territory or commonwealth outside the continental United States may satisfy the skills competency requirement by establishing and submitting proof that the applicant has been in good standing and practiced law in that jurisdiction full-time for at least one year or half-time for two years following the applicant's authorization to practice. Prior legal practice may qualify even if it occurred without formal admission to the bar if the applicant engaged in lawful practice in a country, territory or commonwealth that permits legal practice without formal admission to the bar, and if the prior practice was for at least one year or half-time for two years, in full compliance with the jurisdiction's rules. For an applicant who qualifies for the bar exam after completion of an LL.M. degree pursuant to section 520.6 of this Part, the applicant's practice may occur before or after commencement of the LL.M. program.

(b) **Proof required.** An applicant shall submit to the appropriate Appellate Division department of Supreme Court an Affidavit of Compliance with the Skills Competency Requirement. The Appellate Division may, in its discretion, require the applicant to submit any additional proof it deems necessary to ensure compliance with this section.

(c) **Implementation.** For applicants who qualify for the bar examination under section 520.3 of this Part, and for applicants who qualify for the bar examination under section 520.6 of this Part on the basis of their foreign legal education alone, the requirements of this section shall first apply to those commencing their law study after August 1, 2016. For applicants who qualify for the bar examination under section 520.6 of this Part after the completion of a qualifying LL.M. program, the



requirements of this section shall first apply to those commencing their LL.M. program after August 1, 2018.





In May 2014, Hofstra Law adopted a policy regarding learning outcomes. The policy was adopted for a number of reasons, including (1) a desire to help ensure that the Law School was offering courses strategically designed to meet the needs of our students and (2) a desire to help students make more informed choices in selecting their courses, thereby enabling them to locate those courses in the curriculum that best suit their particular needs.

View the learning outcomes (PDF). See below.

Certainly no one course can expect to address each and every learning outcome identified by the Law School. Rather, the hope and expectation is that by the time a student graduates, having fulfilled 87 credits worth of coursework at the Law School, each and every one of these learning outcomes will have been achieved in some form along the way.

As of fall 2014, course syllabi include a section identifying the learning outcomes for their courses. These are modeled upon the outcomes adopted by the Law School, and customized as appropriate.

Please note that instructors are encouraged, but not required, to include this information in their syllabi. As such, some course syllabi might lack a learning outcomes section.

Also as of fall 2014, the Law School maintains a bank of current and past course syllabi organized by instructor and course name.

Although syllabi are subject to change, it is unlikely that the learning outcomes for a given course taught by a particular instructor will change dramatically from one year to the next.

For that reason, the Law School encourages its students to consult the syllabus bank as they go about selecting their courses for an upcoming semester. Students should attempt to take courses that list as outcomes those objectives that the student has yet to meet, or that address areas in which the student would prefer to develop even greater proficiency.

#### Hofstra Law Learning Outcomes Policy

Each faculty member is encouraged, but not required, to include a list of “learning outcomes” as part of the course description in the online Curriculum Guide and in the course syllabus distributed to students.

The list of learning outcomes may include one or more of the outcomes from the Law School's adopted list, as well as any additional learning outcomes identified by the faculty member for the particular course.

Students should be able to use these goals statements to help make course selections and in framing their expectations for the course in conjunction with the Law School's system of course selection advisement.

For those faculty members who choose to identify learning outcomes, the Dean's Office will, at the faculty member's option, add a question to the course evaluation asking students whether they think the learning outcomes as stated by the faculty member have been addressed.

**Hofstra Law's Plan for Student Compliance with the New Skills Competency Requirement for Admission in New York**

The Maurice A. Deane School of Law at Hofstra University will ensure that our graduates will have ample opportunity to comply with the new Skills Competency requirement, Section 520.18, for admission to practice law in New York. The description of our plan for J.D. students, which was unanimously approved by our faculty in March 2016, is set forth below.

Our school will ensure that all of our J.D. students are able to comply with the new Skills Competency requirement via Pathway #1. We recently adopted a plan that identifies how we have incorporated into our curriculum the skills and professional values that, in the school's judgment, are required for our graduates' basic competence and ethical participation in the legal profession. The faculty used our list of approved learning outcomes as a guideline for making that determination. Specifically, we identified those courses in our curriculum that provide students with proficiency in the learning outcomes that we have already identified as teaching the professional skills and values needed for an entry-level lawyer.

The chart below indicates that two of our required first-year courses and two of our upper-level required courses provide instruction in a range of professional skills and values identified in our list of learning outcomes:

Course	Credit	Learning Outcome(s)
Legal Analysis, Writing & Research I and II	5 credits total	<p><b>[From Category 4]</b> Students learn:</p> <ul style="list-style-type: none"> <li>(a) how to write analytically and persuasively;</li> <li>(b) draft legal documents</li> </ul> <p><b>[From Category 5]</b> Students learn how to:</p>

		<p>(a) extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;</p> <p>(b) identifying legal issues in facts and applying rules and policy to facts;</p> <p>(c) constructing arguments and identifying flaws in an argument;</p> <p>(d) performing comprehensive legal research;</p> <p>(e) presenting analysis orally and arguing orally</p>
Foundational Lawyering Skills	3 credits	<p><b>[From Category 6]</b> Students learn:</p> <p>(a) strategic planning: developing a plan to accomplish a goal;</p> <p>(b) problem solving in light of a client’s objectives: anticipating consequences and assessing risks;</p> <p>(d) negotiating in both dispute and transactional contexts;</p> <p>(e) counseling clients;</p> <p>(f) interviewing;</p> <p>(g) performing basic trial tasks;</p> <p>(h) using procedural tools such as motions and discovery;</p> <p>(i) working collaboratively;</p> <p>(k) learning from experience through self-critique;</p> <p>(m) presenting orally outside of litigation;</p>
Lawyers’ Ethics (or other courses that meet the professional responsibility graduation requirement)	2-3 credits	<p><b>[From Category 6]</b> Students learn:</p> <p>(c) recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards;</p> <p><b>[From Category 7]</b> Students learn how to:</p> <p>(b) conduct him or herself in</p>



		<p>accordance with standards of professional conduct;</p> <p>(c) fulfill a lawyer's commitment to competence, integrity, accountability, and social responsibility;</p> <p>(d) apply the principles and policies reflected in the law governing lawyers, including a lawyer's duty of loyalty to clients, fiduciary duties, and obligation of zealous representation</p>
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Given the comprehensive instruction that each of our J.D. students receive in the areas of professional skills and values by taking these required courses, coupled with the requirement that they must take 3 additional credits of experiential elective courses, we adopted a plan for our students that would permit us to certify our students as having achieved competency under Pathway 1 by successfully passing all of the above required courses (in all of which our students receive letter grades), in addition to successful completion of 3 additional elective credits in experiential courses.

Of course, all students who participate in our Pro Bono Scholars Program will also comply with the rule pursuant to Pathway #3.

Approved by the Faculty on March 10, 2014.

## **Learning Outcomes for Graduating Law Students Maurice A. Deane School of Law at Hofstra University**

**Prefatory Note:** The Learning Outcomes below are the Faculty's description of the aims of a comprehensive legal education for each student. Every course in the Law School's Curriculum is designed to achieve some but not all of the Learning Outcomes – different courses have different emphasis. Achievement of Outcomes not emphasized in required Courses should influence a student's choice of elective courses. Students should also consider their particular career desires in making their choices of electives. Those choices should be made in consultation with the academic advisement resources available at the Law School.

Categories 1, 2 and 3 contain **understanding** and **knowledge** outcomes, and Categories 4, 5 and 6 contain **proficiency** outcomes. Category 7 contains **learning and commitment** outcomes.

Category 1- **Substantive rules of law and policies.** Each graduating student must have demonstrated a thorough knowledge of the basic rules of law and policies as contained in:

- (a) the first-year curriculum (Contracts, Civil Procedure, Torts, Property, Criminal Law, Introduction to Administrative Law, and Transnational Law);
- (b) upper-division required courses (Constitutional Law, Evidence, and Professional Responsibility);
- (c) In addition, each graduating student must have demonstrated an advanced knowledge of the rules and policies contained in at least one area of substantive law covered in Hofstra Law's elective curriculum.

Category 2 - **Preparation for the bar examination.** Each graduating student must take sufficient courses covering subjects typically tested on the bar examination.

Category 3 - **Sources of law and the process of law creation and evolution.** Each student must understand:

- (a) the roles and differing characteristics of sources of law: the common law; legislation, administrative regulations; treaties, and judicial interpretation of legislation, regulations, treaties and constitutions;

(b) the processes through which law is made and changed and how those processes differ from one source of law to another;

(c) the different roles that state and federal law play in the process of lawmaking;

(d) at least some of the perspective analysis of law: economic; comparative; empirical; historical; jurisprudential.

Category 4- **Writing**. Each graduating student must have demonstrated the ability to:

(a) write analytically and persuasively; and

(b) draft legal documents such as contracts, statutes, client communications, opinion letters and the like.

Category 5 - **Basic legal analysis, fact development and law-finding**. Each graduating student must have demonstrated proficiency in the following:

(a) extracting rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;

(b) conducting investigation of facts and constructing a coherent narrative based on that investigation;

(c) identifying legal issues in facts and applying rules and policy to facts;

(d) weighing evidence to reach factual inferences;

(e) constructing arguments and identifying flaws in an argument;

(f) performing comprehensive legal research;

(g) analyzing and structuring transactions;

(h) presenting analysis orally and arguing orally;

(i) using policy to analyze and persuade.

Category 6 - **Entry level capabilities**: At the level of proficiency required for effectiveness as an entry level lawyer, **and in a manner appropriate to a student's professional goals**, each graduating student must have demonstrated proficiency in:

(a) strategic planning: developing a plan to accomplish a goal;

(b) problem solving in light of **a client's objectives**: anticipating consequences and assessing risks;

- (c) recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards;
- (d) negotiating in both dispute and transactional contexts;
- (e) counseling clients;
- (f) interviewing;
- (g) performing basic trial tasks (including using the rules of evidence);
- (h) using procedural tools such as motions and discovery;
- (i) utilizing experts and expert knowledge;
- (j) working collaboratively;
- (k) learning from experience through self-critique;
- (l) managing projects within time and resource limitations;
- (m) presenting orally outside of litigation;
- (n) using technology in legal practice.

Category 7 – **Professional Identity and Perspectives**. Each graduating student shall learn how to:

- (a) present written and oral communications and conduct him or herself in professional settings in a manner that meets the standards of the legal profession;
- (b) conduct him or herself in accordance with standards of professional conduct;
- (c) **fulfill a lawyer’s commitment to competence, integrity, accountability, and social responsibility;**
- (d) apply the principles and policies reflected in the law governing lawyers, including a **lawyer’s duty of loyalty to clients, fiduciary duties**, and obligation of zealous representation.

(L)

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> New York State Skills Competency Requirement

## New York State Skills Competency Requirement

The New York State Court of Appeals adopted the new [Skills Competency Requirement and Professional Values Bar Admission Requirement \(https://www.nybarexam.org/Skills/skills.htm\)](https://www.nybarexam.org/Skills/skills.htm) found in Section 520.18 of the Rules for Admission in December 2015. This requirement is applicable to all applicants for admission to the New York Bar who commence their legal studies on or after August 1, 2016. Pursuant to the new rule, affected applicants must establish that they have acquired skills and professional values necessary to competently practice law through one of five pathways.

New York Law School is committed to working with its students satisfy the requirement. NYLS's plan to certify our students under "Pathway 1" is described in the [Skills Competency Requirement PDF \(http://www.nyls.edu/academics/wp-content/uploads/sites/143/2018/10/ACAD-Skills-Competency-Requirement-PDF-1018-v1-locked.pdf\)](http://www.nyls.edu/academics/wp-content/uploads/sites/143/2018/10/ACAD-Skills-Competency-Requirement-PDF-1018-v1-locked.pdf). In addition, we are committed to working with our transfer students either to be eligible for certification under Pathway 1 or earn the requisite 15 credits through approved coursework required under Pathway 2. As with all pro bono scholars, the NYLS students who graduate as pro bono scholars will complete the new skills competency and professional values requirement pursuant to Pathway 3.

Visit the full text of [Section 520.18 to the Rules for the Admission of Attorneys and Counselors at Law \(22 NYCRR 520.18\) \(https://www.nycourts.gov/ctapps/520rules10.htm#B18\)](https://www.nycourts.gov/ctapps/520rules10.htm#B18).

**WE ARE NEW YORK'S LAW SCHOOL**





## **Rule 520.18 – Skills Competency Requirement**

### **NYLS Plan to Certify Students Pursuant Pathway 1**

*(Adopted at regular meeting of the faculty on March 13, 2017)*

#### **BACKGROUND**

The ABA now mandates that law schools require each student to have at least 6 credits of experiential learning course work, in any of three categories: clinics, simulation courses and field placement. The New York State Court of Appeals has a separate “skills and values” requirement for law graduates applying for admission to the New York bar.<sup>1</sup> In order to comply with these requirements, the faculty approved the following, which is described in greater detail below:

1. Added a 6-credit experiential learning requirement to NYLS graduation requirements, which incorporates the ABA definitions of experiential courses. This requirement would apply beginning with students who entered NYLS in the fall semester, 2016.
2. Revised the learning competencies to coordinate with our curricular requirements
3. Adopted the elements of a plan (referred to as Pathway 1 below) to certify our graduates’ skills and professional values competence, in accordance with admissions standards for the New York bar.

#### **The ABA Standards**

In general, ABA Standard 303 (see attached) requires all law schools to create a curriculum through which all students will complete, by graduation, six credit hours of “experiential coursework”, which can include clinics, field placement courses (externships) and simulations. The ABA Standard 304 defines the characteristics of qualifying “experiential” courses, and for each category, articulate criteria for a course to qualify.

Our current curriculum includes approximately 30 courses that meet the ABA definitions, and therefore provides multiple opportunities for students to complete six credit-hours of “experiential coursework” by graduation. For example, taking a single credit-intensive clinic or two upper-level simulation courses would satisfy the ABA standard.

Using the ABA definitions, the Committee developed a survey to determine whether a course would satisfy the standard. We sent the survey to faculty teaching the courses we expected would fit. Survey responses showed that the vast majority do in fact satisfy the standards. A list of courses that is provided in student registration materials as satisfying the requirement, was distributed at a spring 2017 faculty meeting. The list will be revised and updated accordingly.

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<sup>1</sup> Note: This is a separate and additional programming requirement from the 50-hour Pro Bono rule mandated by the New York State Court for admission.

## The New York State Court of Appeals Skills and Values Requirement

Section 520.18 of the Rules of the Court of Appeals for Admission to the Bar (attached) provides several pathways through which law graduates may satisfy the skills and values competency requirement for admission. In summary, they are:

**Pathway 1: Law school certification of competence in skills and professional values.**

Pathway 1 allows an applicant to satisfy the skills competency and professional values requirement by submitting a certification from the applicant's law school confirming that:

- the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, and
- the individual student has achieved basic competence in those skills and values.

**Pathway 2: Law school certification of credit acquisition.** Pathway 2 is satisfied by law graduates showing that they had completed 15 credits of experiential course work, as defined under the rule. The Court of Appeals definitions are somewhat broader than the ABA definitions and could include some first-year work as well as full-time summer employment certified by the law school. However, Pathway 1 best suits the curricular goals we have established for our students.

**Pathway 3: Pro Bono Scholars Program.** An applicant who has successfully completed the Pro Bono Scholars Program is deemed to have met the skills competency requirement. The Pro Bono Scholars program allows students selected by their law school and approved by the Court to take the February bar exam during their third year of law school, and then receive a semester's worth of credit for a full-time placement with a qualifying legal services provider and an accompanying seminar. Regardless of our adoption of Pathway 1, our Pro Bono Scholars qualify for admission under Pathway 3.

**Pathway 4: Apprenticeship.** An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and are in good standing in the jurisdiction where the apprenticeship occurs. By adopting Pathway 1, our graduates do not need this pathway to qualify for admission.

**Pathway 5: Practice in another jurisdiction.** Pathway 5 permits foreign lawyers, with some restrictions, to satisfy the skills competency requirement by showing that they have been in good standing and practiced law for the equivalent of one year, full-time. To the extent that NYLS has JD students who are foreign lawyers, they would satisfy Pathway 1, as proposed. This might apply for LLM graduates, which is not addressed here.

## Harmonizing ABA 6-Credit Experiential Learning Rule with NYS Court of Appeals Pathway 1 Certification

### **NYLS Pathway 1 Plan**

With respect to skills and professional values, NYLS's Pathway 1 plan includes the following requirements that harmonize with the new ABA 6-credit experiential learning requirement:

**7-credit Legal Practice course:** Passing grade. This course goes beyond any current ABA or Court of Appeals requirement for first-year writing and analysis. Legal Practice offers an experiential lawyering skills curriculum. Through client-centered simulations and assignments, the course introduces students to fundamental lawyering skills in context, including critical reading, legal analysis, predictive and persuasive writing, legal research, client interviewing, counseling, negotiation and oral advocacy.

**3-credit Professional Responsibility course:** Passing grade. Several years ago, NYLS expanded this course from the mandated minimum of 2 credits to 3 credits, in order to allow time to teach professional values as well as the rules applicable to the legal profession.

**Upper Level Writing requirement:** B- or a P, if the work would qualify for a B- if it were graded. A significant majority of our students fulfill the writing requirement through 2-credit practice-oriented drafting courses, where they draft and receive feedback on legal documents, and build on the legal research skills learned in Legal Practice. Most others fulfill the requirement through drafting case files for Moot Court, or notes for Law Review, and the like. In these circumstances, the students also research and revise their written work in response to faculty feedback.

**6 credits of upper-level Experiential Learning courses,** which must be a clinic, simulation course or field placement course, as defined by ABA Standard 304: B- or a Pass, if the work would qualify for a B- if it were graded.

For purposes of Pathway 1, we are certifying that graduates who fulfill these requirements (in addition to our other graduation requirements) have sufficient competency in the skills, and sufficient familiarity with professional values, required for basic competence and ethical participation in the legal profession.

### **NYLS Competencies in Courses**

In support of the plan for this certification, we have identified the skills and values that these courses teach, using a subset of the NYLS competencies that reflect skills and professional values. The chart below shows our competencies, and where in the required curriculum we believe they are taught.

<b>Skill (NYLS Competency)</b>	<b>Curricular Requirements Where Skill is Taught</b>
Can critically read, comprehend, analyze and apply legal authority	All First Year and Upper Level Required Doctrinal Courses Professional Responsibility Upper Level Experiential Learning Courses Upper Level Writing Requirement Legal Practice I and II Advanced Legal Methods Introduction to the American Legal System
Can identify specific legal issues presented by factual scenarios	All First Year and Upper Level Required Doctrinal Courses Professional Responsibility Upper Level Experiential Learning Courses Upper Level Writing Requirement Introduction to the MEE and Introduction to the MBE Legal Practice I and II Advanced Legal Methods Introduction to the American Legal System
Can design and carry out legal research projects	Upper Level Writing Requirement Legal Practice I and II
Can write with clarity, precision, and effectiveness	All First Year and Upper Level Required Doctrinal Courses Professional Responsibility Upper Level Writing Requirement Legal Practice I and II Advanced Legal Methods
Can speak cogently about legal concepts	Upper Level Experiential Learning Courses Legal Practice I and II
Can use tools of law and policy to engage in problem solving	Upper Level Experiential Learning Courses Legal Practice I and II
Can work as part of team, which may include engaging in collaboration, being a team leader, making effective use of supervision	Upper Level Experiential Learning Courses Legal Practice I and II
Understands the fundamentals of basic lawyering skills, which may include interviewing, fact development and analysis, client counseling, negotiation, advocacy, document drafting, cross-cultural competency, organization and management of legal work, the use of technology to aid practice	Upper Level Experiential Learning Courses Upper Level Writing Requirement Legal Practice I and II

<b>Skill (NYLS Competency)</b>	<b>Curricular Requirements Where Skill is Taught</b>
Understands the way law is practiced in a variety of contexts, such as transactional practice and litigation	All First Year and Upper Level Required Doctrinal Courses Professional Responsibility Upper Level Experiential Learning Courses Upper Level Writing Requirement Legal Practice I and II Advanced Legal Methods
Understands how to develop professional expertise and appreciates the importance of maintaining competence in client representation	Upper Level Experiential Learning Courses
Exhibits professionalism and honors the ethical obligation of lawyers	Upper Level Experiential Learning Courses Professional Responsibility Upper Level Writing Requirement Legal Practice I and II
Understands the special responsibilities of lawyers to promote justice and improve the legal profession	Professional Responsibility







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**Trevor W. Morrison**  
Dean  
Eric M. and Laurie B. Roth Professor of Law

## MEMORANDUM

To: The Honorable Jenny Rivera, New York State Court of Appeals

From: Dean Trevor W. Morrison, NYU School of Law

Re: NYU School of Law's Plan for Satisfying Rule 520.18

Date: March 25, 2016

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In accordance with your email of February 4, 2016, to all Deans of New York law schools, I am writing to provide you with a description of NYU School of Law's plan for satisfying Rule 520.18.

I will begin by describing, in Part I of this memo, the process by which the law school formulated and developed the plan. Part II of the memo will describe the plan we have adopted and the processes we have initiated for implementing it.

### *I. The Process By Which the Law School Formulated and Adopted the Plan*

When the Court posted its Request for Public Comment on October 9, 2015, announcing proposed Rule 520.18 and inviting comments, NYU School of Law was already engaged in developing a plan to comply with the new ABA Standards that will take effect in academic year 2016-17. On April 29, 2015, I appointed a special committee to develop a plan for complying with the new ABA Standards. The committee consisted of the law school's vice dean in charge of the curriculum, who also serves as the director of the clinical program; the law school's assistant dean for strategic initiatives; the director of the law school's first-year Lawyering program; and two faculty members who have shown a particular interest in experiential education. During the summer, the committee gathered information from all members of the full-time and adjunct faculty about the extent to which they use experiential education methodology in their courses and the extent to which they employ formative rather than summative assessments in

their courses. Using this information, the committee developed a detailed plan for revising the law school's curriculum to comply with the new ABA Standards. The committee issued that report on September 8, 2015, and the law school held a faculty meeting on the report on October 7, 2015.

When the Court announced proposed new rule 520.18 a couple of days later, the law school's special committee informed the entire faculty of the proposed new rule, and explained that the committee would now revisit its prior proposal so as to consider the implications of the Court's proposed new rule.

During the period that the Court set for submission of comments on its proposed new rule, the committee redesigned its prior curricular plan so that it would address both the Court's new rule and the ABA Standards.

After the Court announced its adoption of Rule 520.18 on December 10, 2015, the committee revised its proposal further to address the changes the Court made in the rule in light of comments that were submitted. The committee then reached out to the entire faculty to assist in the development of a final plan. The committee requested (1) that the Clinical Area Group (consisting of all members of the full-time clinical faculty) develop an inventory of the lawyering skills that we should ensure that all graduating students acquire in order to possess the level of competence necessary for entry-level legal practice; (2) that the Professional Responsibility Area Group (consisting of all full-time faculty members who teach the basic Professional Responsibility course and other courses in this subject matter area) develop an inventory of the professional values that the law school should ensure that all of our graduates are familiar with; and (3) that the law school's other faculty area groups develop learning outcomes for substantive law courses in the first year and the upper years.

During the winter break, the area groups developed these documents and sent them to the committee. The committee used these documents to develop a plan for revising the law school's curriculum and various administrative processes to comply with both the Court's new rule and the ABA Standards. The committee issued its report on January 27, 2016, and the entire faculty met to discuss the report on February 17, 2016. At the conclusion of the meeting, the faculty unanimously adopted the committee's proposal.

## *II. The Law School's Plan for Complying With Rule 520.18*

NYU School of Law is planning to use Pathway 1 as the mechanism for certifying that the graduates of our J.D. program have attained the requisite degree of competency in skills and the requisite degree of familiarity with professional values. The J.D. students who choose to participate in our Pro Bono Scholars Program will, of course, seek admission pursuant to Pathway 3. We believe that many of our LL.M. graduates will qualify for admission to the Bar under Pathways 4 or 5, but we are currently exploring whether it might be possible to also create a Pathway 1 option for our LL.M. students by the time the Court's rule takes effect for the entering LL.M. class of 2018-19.

## A. *J.D. Students*

### (1) *Ensuring Competency in Lawyering Skills*

The centerpiece of our plan for ensuring our J.D. graduates' competence in lawyering skills is the inventory of lawyering skills that the law school's full-time clinical faculty developed. The inventory, which appears in Appendix I of this memo, contains a detailed analysis of the lawyering skills that the clinical faculty views as essential for all of our graduates to know in order to "graduate with at least entry-level competence" in the "core lawyering skills that are used in most forms of legal practice." The inventory addresses the skills of problem-solving; factual investigation; interviewing; counseling; negotiation; collaboration; legal writing; litigation; and alternative dispute resolution procedures. In the course of discussing these lawyering skills, the inventory also addresses a number of broader conceptual skills, including communication; decisionmaking; interpersonal dynamics; cross-cultural competency; and self-reflection and the process of learning from experience. In developing this inventory, the law school's Clinical Area Group consulted a number of relevant documents including the MacCrate Report's Statement of Fundamental Lawyering Skills and Professional Values; law review articles and reports commenting on the MacCrate Report; the Carnegie Foundation's 2007 report on legal education; and books and articles about experiential education, including the two books cited on page 2 of the report of the Court's Task Force on Experiential Learning and Admission to the Bar. In accordance with Rule 520.18(a)(1)(a), the law school plans to post this inventory on our website, along with our overall plan for teaching the skills and professional values that we view as "required for . . . [our] graduates' basic competence and ethical participation in the legal profession."

The mechanism by which we plan to ensure that all of our J.D. graduates acquire sufficient competence in all of these skills is by incorporating the requisite lessons into our first-year Lawyering program. By doing so, we can be certain to reach all J.D.s who come to the law school in the first year. (I will discuss the subject of transfer students below.) By front-loading this teaching into the first-year curriculum, we also can provide our students with a foundational understanding of lawyering skills that will inform and enrich their learning in the upper years of law school, including in clinics, externships, and simulation courses. It should also enhance their learning on the job during a summer job following their first year of law school.

We believe that our first-year Lawyering program is well-suited to serve in this role. The Lawyering course was specifically designed by Professor Anthony G. Amsterdam of our faculty in the early 1980s to provide all J.D. students with a foundational knowledge of core lawyering skills. In the ensuing years – as Professor Amsterdam served as the Director of the Lawyering Program and then was succeeded as Director by Professor Peggy Davis and then by the current Director, Lawyering Professor Andrew Williams – the Lawyering curriculum was refined to reflect advances in experiential education pedagogy, including those emerging from a Lawyering Theory Colloquium taught by Professors Amsterdam and Davis together with cognitive psychologist and NYU law school professor Jerome Bruner. The Lawyering Program's curriculum, and the law

school's experiences with the program, served as models for Professors Amsterdam and Randy Hertz when they worked on the MacCrate Report's Statement of Fundamental Lawyering Skills and Professional Values.

Lawyering Program Director Andrew Williams, who served on the special committee that developed this plan for complying with Rule 520.18, is taking responsibility for ensuring that the Lawyering curriculum fully and adequately covers the skills in the attached inventory.

All of the J.D. students who take Lawyering in their first year will, of course, also take additional skills courses in their second and/or third years of law school. They will have to do so in order to satisfy new ABA Standard 303(a)(3)'s requirement that all J.D. candidates take "at least six credit hours" in "experiential course(s)." We are treating the Lawyering course, which consists of 5 credits for the year (2.5 credits per semester) as constituting 3 credits of "experiential courses" and 2 credits of legal writing. Accordingly, we will require that all J.D. students who come to NYU in the first year and therefore take Lawyering also take at least 3 credits of upper-level courses that the law school certifies as satisfying the ABA Standards' definition of an "experiential course." (At present, it is already the case that approximately 2/3 of our J.D. student body takes at least one clinic during their second or third year, and these clinics are at least 5 credits per semester and some of them are full-year, 14-credit clinics.)

The upper-level experiential courses will provide students with a broader, richer understanding of the lessons they learn about lawyering skills in the first-year Lawyering course. The committee considered the possibility of placing all of the skills learning in the upper years but the committee concluded that it is better to treat the first-year Lawyering course as the central mechanism for teaching the core lessons in lawyering skills because: (1) the Lawyering course was designed to serve precisely such a function; (2) teaching these lessons in the first year, in a course that is taken by all 1L students, provides an effective way to guarantee that all of these students receive the benefit of a consistent set of lessons, which would be more difficult to ensure if we were to spread these lessons across a variety of different clinics, externships, and simulation courses in the upper years; and (3) the lessons that students learn about skills in the first year will frame all of their learning thereafter, their conception of what legal practice is all about, and the choices they make about what courses to take in their 2L and 3L years.

The situation is, of course, more complicated for transfer students who come to NYU in their second or third year of law school and thus will not have the benefit of our Lawyering course in their first year of law school. The special committee recommended, and the faculty agreed, that we should create a 3-credit Lawyering course for these transfer students, which they will be required to take along with 3 other credits of experiential courses. We recognize, however, that some of these transfer students may have taken a first-year course equivalent to our Lawyering course at their original law school. Accordingly, we will provide a mechanism for transfer students to opt out of the "Lawyering for transfer students" course by showing that they took an equivalent course at their original school.



We plan to use our customary grading system to determine, for purposes of Rule 520.18(1)(ii), whether students have “attained the required skill level . . . needed for basic competence.” Our Lawyering course uses a “pass/fail” system of grading rather than letter grades but it also provides extensive feedback to students in faculty critiques of simulated lawyering performances and faculty comments on documents the students draft. Lawyering uses formative as well as summative assessments, as ABA Standard 314 contemplates.

These are the plans we are currently contemplating for expanding and enhancing what we already do in Lawyering and in upper-level experiential courses. We realize that it will be essential to obtain feedback about how well these systems are working in order to refine them further. Accordingly, the special committee recommended to the faculty, and the faculty unanimously agreed, that our Lawyering faculty and our Clinical Faculty Area Group should employ the following approaches to gather information about the efficacy of our skills curriculum and the need for revisions: (i) modify the student evaluations for Lawyering and upper-level experiential courses to seek students’ feedback on the skills they learned in the course; and (ii) develop survey instruments to seek annual feedback from teachers of Lawyering and upper-level experiential courses about whether students appear to be acquiring the requisite level of competence in lawyering skills and whether any curricular modifications appear to be warranted.

## *(2) Ensuring Familiarity with Professional Values*

It is already the case, of course, that all of our J.D. students take a 2-credit course in Professional Responsibility, which allows them to satisfy Rule 520.3(c)(1)(iii) of the Court’s rules and ABA Standard 303(a)(1).

In order to satisfy the new requirements of Rule 520.18(a)(1)(a) and ABA Standard 301(b) for developing and publishing specific learning outcomes for professional responsibility, the law school’s faculty area group on Professional Responsibility – consisting of all full-time professors who teach in this subject matter area – developed a list of the essential ethical rules and requirements that must be covered in every Professional Responsibility course. This list appears in Appendix II of this memo.

The law school will provide this list to all full-time and adjunct teachers of our Professional Responsibility course to ensure that these subjects are covered in every section of the course. The law school also will integrate this list into the plan that we post on our website for teaching the skills and professional values that the law school views as “required for . . . [our] graduates’ basic competence and ethical participation in the legal profession.”

Here again, we plan to use our customary grading system to determine, for purposes of Rule 520.18(1)(ii), whether students have attained the requisite degree of familiarity with these core principles of professional responsibility and the other lessons that



students learn about legal ethics and professional values in our required course on Professional Responsibility.

#### B. *LL.M. Students*

There is reason to believe that a considerable percentage of our LL.M. class will be able to qualify for Pathway 5 based on their practice in another jurisdiction prior to entering our LL.M. program. Most of our students come to our LL.M. program two or more years after earning the degree necessary to become a practicing lawyer in their home country. Of those who entered the LL.M. program in 2014, only 9% came to the program within one year of obtaining their first degree in their home country. Eighteen percent entered our LL.M. program within 1 to 2 years of earning their previous degree; 41% in 2 to 5 years after the first degree; 25% in 5 to 10 years; and 7% more than 10 years after earning their first degree.

The committee recommended, however, and the faculty unanimously agreed, that the law school should explore the possibility of developing an LL.M. curriculum that would satisfy Pathway 1. Although the faculty fully appreciates and accepts the admonition in the Task Force report that “the typical one-year LL.M. program cannot provide sufficient experiential training” to satisfy Pathway 1 (Task Force Report at 7), the faculty would like to try to pursue the Task Force Report’s invitation to law schools “to look for ways to innovate in this area” that might make it possible for a law school to “develop a program for foreign-trained LL.M. students that satisfies the requirements of this pathway” (*id.* at 7-8). We believe that this would be preferable to relying on Pathways 4 and 5 because it would enable us to ensure that all of our LL.M. graduates who sit for the New York Bar Exam have received a fully adequate and appropriate course of instruction in the skills necessary for competent practice in the United States.

The committee considered the possibility of recommending the adoption of a Lawyering course for LL.M. students just like what we are planning to do for J.D. transfer students. The committee concluded, however, that it would be better to design specialized skills courses for LL.M.s that are set in the context of areas of practice that are of particular interest to these students. The faculty endorsed this approach, and we are now embarking on a plan to develop a set of courses of this sort which we hope to present to the Court as an integrated curriculum that would allow NYU Law School’s LL.M. program to qualify for Pathway 1.

All of our foreign-trained LL.M. students who seek to qualify for the New York Bar Exam pursuant to Rule 520.6 naturally already take a 2-credit course in Professional Responsibility, as is required by Rule 520.6(b)(3)(vi)(a). As we explained in Part II(A)(2) *supra* with regard to Professional Responsibility instruction for J.D. students, all of our Professional Responsibility courses henceforth will be guided by the inventory of core lessons in Appendix II.

*Conclusion*

These are the plans that the law school has developed thus far to satisfy the Court's new rule. We will be engaging in extensive additional work to refine these plans and implement them. I hope, however, that this report provides a sufficient picture of what we have in mind.

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

## Appendix I

### *Student Learning Outcomes for Lawyering Skills and Experiential Courses*

#### A. *Goals of Experiential Courses*

NYU School of Law's first-year Lawyering program and upper-level experiential courses are designed to achieve the following goals:

- (1) *Provide instruction in key aspects of the core lawyering skills that are used in most forms of legal practice.* It is not necessary or possible for a law school to turn out accomplished lawyers who are capable of using lawyering skills at the level of highly skilled lawyers. It is, however, possible – and desirable – to teach basic aspects of such core skills as interviewing, counseling, and negotiation, so that students have the needed foundation for the lawyering tasks they will need to perform at the start of their career and so that they can avoid the kinds of first-level errors that are disruptive of performance and unnerving to the performer. In this way, graduates will be well-positioned at the start of their career to provide their clients with the quality of representation to which clients are entitled.
- (2) *Teach models of planning and decisionmaking for a range of situations, including those in which facts are currently unknown and not subject to confident prediction, and in which options involve differing and often uncertain degrees of risk.*
- (3) *Provide students with a basis for understanding the interaction of legal analysis with human behavior, including interpersonal dynamics and communication.* This includes developing an understanding of the ways that factors such as self-interest, language, culture and other biases may affect a lawyer's interactions and communications with others. It also includes developing the skills needed to collaborate effectively with others.
- (4) *Expose students to the demands, constraints, and methods of thinking in role as lawyers.* Students should learn to assess the effects of a partisan role upon perception, interpretation, and analysis. Students should acquire the ability to analyze situations from others' viewpoints. Students also should develop an understanding of the need for dispassion in forming judgment about matters in which they have a motivational interest or partisan role. They should learn how to achieve objectivity without diluting loyalty to their client and the perspective that flows from that loyalty.
- (5) *Provide students with the skills of self-reflection and learning from experience.* Fundamental to successful legal practice is the ability to learn from successes and failures, and thereby to engage in continuous learning. This requires that all lawyers have the ability to reflect rigorously on their own lawyering performances, extract the lessons that can be learned from them, and use those lessons to improve the lawyer's skills and subsequent performances.

## **B. Fundamental Lawyering Skills**

NYU School of Law's J.D. curriculum is designed to ensure that students graduate with at least entry-level competence in the following lawyering skills:

### *1. Problem Solving*

In order to develop and evaluate strategies for solving a problem or accomplishing an objective presented by a client or other entity that has employed the lawyer's services, a lawyer should be familiar with the following skills and concepts:

- (a) *Identifying and Diagnosing the Problem.* Effective legal problem solving requires that the lawyer acquire an accurate and complete understanding of the client's situation and objectives, including:
  - (i) The precise circumstances and needs that make the situation a problem for the client;
  - (ii) The legal, institutional, and interpersonal frameworks in which the problem is set;
  - (iii) The client's "goals" – the resolution of the problem that the client would consider optimal and the range of alternative possible outcomes ranked in accordance with the client's preferences, needs, and interests;
  - (iv) The limits of what is presently known;
  - (v) The optimal timetable for resolving the problem;
  - (vi) The financial resources that a client is prepared to allocate to solving the problem and, when economy is required, the courses of action or potential solutions that the client is willing to forgo because of their relative cost.
  
- (b) *Developing a Plan of Action.* The development of a plan of action requires that the lawyer:
  - (i) Engage in a systematic and creative identification of the full range of possible plans of action, drawing upon both the client's insights and the lawyer's independent analysis in considering possible solutions to the problem and possible means for achieving each of the potential solutions;
  - (ii) Evaluate the comparative efficacy and desirability of the various possible plans of action;
  - (iii) Tentatively settle upon a plan of action that accounts for contingencies,

including the emergence of relevant factual or legal information at a later time.

- (c) *Implementing the Plan.* As tasks are completed, new information is learned, or unanticipated events take place, the lawyer should be attentive to the need to revise the plan of action, the allocation of responsibilities for its implementation, and/or the timetable for its implementation.

## 2. *Factual Investigation*

In order to plan, direct, and (where applicable) participate in the process of factual investigation, a lawyer should be familiar with the following skills, concepts, and processes:

- (a) *Planning a Factual Investigation:* The development of a coherent and effective investigative strategy ordinarily requires:
  - (i) The formulation of a “working hypothesis” of the legal and factual theories upon which the lawyer will rely to achieve the objectives;
  - (ii) The use of that working hypothesis to determine the directions of investigation (including the facts to be gathered and the order in which to gather them), while keeping in mind the need to guard against overly restricting the investigation to the current working hypothesis and thereby excluding information that is potentially germane, and the need to be alert to the advisability of revising the working hypothesis as new facts are learned;
  - (iii) An assessment of the degree of thoroughness that is required of the investigation in light of the purposes of the investigation, the time available, the client’s resources, and other pertinent variables.
- (b) *Implementing the Investigative Strategy.* The implementation of an investigative strategy requires systematic monitoring of results as they are obtained and constant consideration of the need for modification of the strategy as new facts are learned.
- (c) *Deciding Whether to Conclude the Process of Fact-Gathering.* This determination requires an assessment whether the investigation has yielded as much of the desired information as it is practicably likely to yield, or that further investigation is not worthwhile given the information it is likely to produce, the amount of time and resources it is likely to consume, and other pertinent variables.
- (d) *Evaluating the Information That Has Been Gathered.* This requires critical scrutiny of the facts to assess: their accuracy and reliability; how they fit together; any inconsistencies between the facts and the likely reasons for any such



inconsistencies; the conclusions they support; and what courses of action are appropriate in light of these conclusions.

### 3. *Interviewing*

Effective interviewing of a client or fact witness or other individual requires familiarity with the following skills, concepts and processes:

- (a) *Communication skills and processes:*
  - (i) Listening, and impediments to listening;
  - (ii) Questioning:
    - (A) Choices and effects of question formulation (open and closed questions, leading and non-leading questions, consecutive and non-consecutive questions, etc.);
    - (B) Choices and effects of question sequence;
    - (C) Effects of formulation, sequence, and the context of the interview on shaping (consciously or inadvertently) the narrative and the opportunity for the client or witness to tell her or his own story.
    - (D) “Active listening” and similar techniques;
    - (E) Precision in questioning and answering:
      - (I) awareness of imprecision, ambiguity, omission, in one’s own communications and others’;
      - (II) techniques for systematic control of levels of precision;
  - (iii) Analysis of the possible dimensions of description and inquiry;
  - (iv) The psychology of perception, memory, conceptualization, and articulation;
  - (v) Analysis of the factors that may affect interpersonal dynamics, including those that may arise in cross-cultural and multilingual communications;
  - (vi) Non-verbal communications.



- (b) *Planning to conduct an interview:*
  - (i) Questioning one's *a priori* assumptions – *e.g.*, that the way to acquire information is to ask questions specifically seeking it; that interviewers (or lawyers) ask questions, and interviewees (or witnesses) answer them; that one's interviewee will (or won't) share these assumptions;
  - (ii) Identifying one's objectives in the interview, and deriving an agenda from them;
  - (iii) Anticipating the interviewee's expectations, assumptions, preconceptions, concerns and recognizing how these may influence the agenda;
  - (iv) Identifying potential positive and negative motivators, and planning to deal with them;
  - (v) Contingency planning, and methods for eliciting and interpreting information which enable the interviewer to determine which contingency s/he is confronting, before s/he becomes committed to one plan or another.
  
- (c) *Responsiveness during the interview:*
  - (i) Monitoring the way the interview is going, and reassessing one's agenda when appropriate;
  - (ii) Taking account of probabilities while avoiding the danger of stereotyping in forming impressions of the interviewee;
  - (iii) Discerning clues and picking up on them; remaining attentive to unanticipated openings.

#### 4. *Counseling*

In order to counsel a client effectively, a lawyer should be familiar with the following concepts, processes, and skills:

- (a) *The nature of the attorney-client relationship, including:*
  - (i) The respective roles of attorney and client in identifying the problem, assessing considerations, and decisionmaking;
  - (ii) The nature of the counseling relationship in general and as applied to the functions of the lawyer;
  - (iii) Norms for defining an appropriate attorney-client relationship (*e.g.*, the

values and vices of directive and nondirective roles for the attorney).

- (b) *Methods for establishing an appropriate attorney-client counseling relationship, which requires familiarity with methods for:*
  - (i) Establishing and maintaining rapport;
  - (ii) Understanding and accepting the client's values and objectives, and working out an appropriate relationship between these and
    - (A) the attorney's own view of what is important or good for the client;
    - (B) legal, economic, and other more or less "objective" factors pertinent to the situation;
  - (iii) Assessing the implications of the attorney-client relationship for the client's subsequent satisfaction or dissatisfaction, as s/he looks back on the whole affair;
  - (iv) Examining problems and methods of communication in
    - (A) Breaking down the problem and potential solutions analytically;
    - (B) Explaining "the law" to the client;
    - (C) Coming to a common understanding of the respective roles of attorney and client.
- (c) *Decisionmaking methods, including:*
  - (i) Integrating legal and factual analysis;
  - (ii) Integrating both of these with the client's frame of reference;
  - (iii) Assessing probabilities and risks in predicting the probable outcomes of options:
    - (A) Determining the level of confidence that should be required of predictions for various purposes and in various situations;
    - (B) Making the predictions;
    - (C) Communicating the predictions and the attorney's confidence or lack of confidence in them to the client, and involving the client in the process of prediction and of setting the appropriate level of

confidence for predictions;

- (iv) Analyzing situations involving a broad array of options and a high degree of unpredictability as to the consequences of choice among the options;
- (v) Dealing with legal uncertainty when:
  - (A) The relevant legal framework is intractably unclear;
  - (B) The attorney doesn't know the law and can't practicably ascertain it by the time when the client demands and/or needs answers;
  - (C) The attorney doesn't know the law and can't practicably ascertain it without an expenditure of resources that may be out of proportion to what's at stake for the client.

## 5. *Negotiation*

Effective negotiation requires familiarity with the following skills, concepts, and processes:

- (a) The basic concepts of negotiation: its objectives, dynamics, and conventions.
- (b) Awareness of the differing nature of negotiations in different settings, *e.g.*:
  - (i) the difference between negotiating to terminate a relationship and negotiating to make one; factors that locate negotiations on the spectrum between these poles, such as ongoing relationships between the parties that transcend the subject of the particular negotiation;
  - (ii) the differences of negotiating in situations where negotiation and negotiating behavior are more and less traditionally accepted, procedurally formalized, and protocol-bound.
- (c) The essentials of negotiation planning, *e.g.*:
  - (i) analytic techniques for establishing one's settling point and predicting the other side's;
  - (ii) analysis of leverage factors;
  - (iii) analytic techniques for devising alternative conceptualizations of what is in controversy, or what is in issue;
  - (iv) analytic techniques for packaging issues in varying relationships to one

- another;
- (v) analytic techniques for designing, predicting, and interpreting concession patterns.
- (d) Awareness of the competition/cooperation spectrum and of reasons and techniques for, and consequences of, making any negotiation more or less competitive.
- (e) Case analysis in a negotiation context:
  - (i) identifying one's own objectives, and one's options as to goals and means;
  - (ii) evaluating the worth of one's case;
  - (iii) exhausting alternatives: using possibility-tree and other analytic approaches to assure that nothing is overlooked in planning.
- (f) Attorney-client relations in a negotiation context: the respective roles of counsel and the client in decisionmaking; problems and methods of communicating with the client in the process of identifying and evaluating options.
- (g) Thorough preparation: anticipation of the wide range of things that may happen at the bargaining table.
- (h) Perceiving and responding to the significance of interpersonal dynamics in the actual conduct of negotiations.
- (i) Analyzing power relationships and authority relationships in the actual conduct of negotiations.

## 6. *Collaboration*

Many problems facing individuals or groups cannot be effectively diagnosed, addressed or solved by the lawyer acting alone. Effective collaboration requires familiarity with the following concepts, skills and practices:

- (a) Understanding the power of collaboration and the dynamics of a collaborative environment.
- (b) Building strategic networks:
  - (i) Engaging input across disciplines to understand the scope of the problem;
  - (ii) Creating unifying goals to guide individual and group engagement;

- (iii) Awareness that effective decisionmaking can involve multiple constituencies and stakeholders;
- (iv) Building broad collectives to tap into multiple viewpoints and diversity of experiences.

## 7. *Legal Writing*

Effective legal writing requires familiarity with the following skills, concepts, and processes:

- (a) An understanding of the varied functions of writing in legal practice, including:
  - (i) Awareness of the differing approaches and techniques for the writing of different kinds of documents, depending on:
    - (A) the nature of the document (*e.g.*, an executory document, as distinguished from an expository document);
    - (B) the purpose of the document;
    - (C) the intended audience of the document;
    - (D) the stage of the proceedings, state of the record, or other situational context of the document
  - (ii) Awareness that, as to some kinds of documents, the allowable range of approaches and techniques is fairly narrow, while as to others it is fairly broad; and a general sense of:
    - (A) the principal kinds of legal writings;
    - (B) which ones have narrower and broader range of allowable approaches and techniques;
    - (C) what approaches and techniques are clearly out of bounds for each of the principal kinds of legal writings;
    - (D) what considerations affect choice among allowable approaches and techniques;
  - (iii) Awareness of the considerations that affect choice among different kinds of documents in situations where there is an option.

- (b) Familiarity with the processes and skills involved in:
    - (i) Effective formulation of legal arguments for presentation in a written document, including:
      - (A) Articulating legal theories effectively;
      - (B) Using research methods to find suitable documentation;
      - (C) Identifying the range of possible arguments and selecting among them based on strategic considerations and any other relevant factors.
    - (ii) Effective presentation of the arguments in writing, which requires:
      - (A) Development of an effective organizational structure;
      - (B) Analysis of the possible perspectives of the intended audience to determine the most persuasive framing of the presentation;
      - (C) Consideration of the ways that factual and legal narrative support persuasive framing and can attune the audience to new lines of thinking that advance the writer's position or set back the opposing side's position;
      - (D) Presentation of ideas and views with precision, clarity, logic, and economy;
      - (E) Rewriting, revising, and re-revising the document until it has the optimal structure, framing, and wording to accomplish its strategic purposes.
8. *Understanding of Litigation and Alternative Dispute-Resolution Procedures.* In order to effectively employ, or to advise a client about, the options of litigation or alternative dispute resolution, a lawyer should have an understanding of:
- (a) The fundamentals of litigation at both the trial and appellate stages.
  - (b) The fundamentals of advocacy in administrative, executive, and other forums, including:
    - (i) An understanding of the factors to consider in deciding whether to seek relief in administrative, executive, or other forums and in selecting the particular forum or avenue for relief;



- (ii) Familiarity with the skills required for effective advocacy in formal adjudicative or rulemaking proceedings and informal administrative, executive, or other proceedings.
- (c) The fundamentals of alternative dispute resolution, including:
  - (i) An awareness of the range of nonlitigative mechanisms for resolving disputes, including arbitration, mediation, and conciliation;
  - (ii) An understanding of the factors that should be considered in determining whether to pursue one or another alternative dispute-resolution mechanism.

## Appendix II

### *Core Lessons to be Taught in Every Section of Professional Responsibility*

In the Professional Responsibility course, students are taught that ethical participation in the legal profession requires:

1. Subordinating a lawyer's own interests to those of clients.
2. Avoiding matters where the interests of two or more clients or former clients are in conflict except as legal ethics rules allow otherwise.
3. Respecting the autonomy of clients, which means taking care that clients, after being fully informed, are able to make decisions that they have the unqualified right to make.
4. Informing and consulting with clients about even those decisions the lawyer is entitled to make whenever the client has a legitimate interest in being consulted.
5. Responding to a client's request for information in a timely manner and to keep the client informed about significant developments in the matter.
6. Protecting a client's privileged and confidential information so that disclosure or use of that information is only for the client's benefit unless an exception allows or requires otherwise.
7. Acting with civility and honesty in dealings with clients, opponents and others encountered in law practice.
8. Acting with candor toward courts and other tribunals, and what candor requires.
9. Acting competently and what that requires.
10. Exercising independent professional judgment for a client and what that entails.
11. Pursuing a client's goals diligently and with devotion.
12. Understanding and appreciation of the importance of the ABA Model Rules of Professional Conduct and the Rules of Professional Conduct of New York.



## **Elisabeth Haub School of Law, Pace University**

### **New York State Skills Competency Requirement**

To be admitted to the New York State bar, J.D. students entering law school in fall 2016 or later, and L.L.M. students entering a U.S. law school in fall 2018 or later, must fulfill the New York State Skills Competency Requirement (“NYS Skills Requirement”) by demonstrating that s/he “possesses the skills and values necessary to provide effective, ethical and responsible legal services in” New York State. See <https://www.nybarexam.org/Skills/skills.htm>. New York State has provided five different “pathways” for a student to follow to satisfy the NYS Skills Requirement. The Elisabeth Haub School of Law at Pace University (“Pace Law School”) has adopted Pathway One—described below—as the primary method for all students to satisfy the requirement.

#### Rationale

The faculty has determined that a J.D. student who achieves a passing grade in the following combination of required and elective courses has achieved the learning outcomes the school has adopted for its students: All First Year required doctrinal courses; First Year Legal Skills I and II; Professional Responsibility; a course sufficient to satisfy the Upper Level Writing Requirement; a course sufficient to satisfy the Upper Level Administrative Law Requirement; and courses sufficient to satisfy the Upper Level Skills Requirement (via Pathway One). See <https://law.pace.edu/academics/juris-doctor-program> for the Law School’s Learning Outcomes.

We have also determined that an L.L.M. student with a first law degree from a foreign country who achieves a passing grade in the following combination of required and elective courses has achieved Pace Law’s Learning Outcomes: Introduction to U.S. Legal Research, Writing and Analysis; Introduction to American Legal Systems, at least 6 credits of Bar Courses, Professional Responsibility, and Lawyering for L.L.M. students.

The Academic Dean at Pace Law School can excuse J.D. students from the requirement of Pathway One if they complete 15 credits of courses approved for Upper Level Skills credit (Pathway Two), or participate in our Pro Bono Scholar’s Program (Pathway Three). The Director of Graduate Programs can excuse L.L.M. students from Pathway One if they satisfy Pathway Four (qualifying apprenticeship) or Pathway Five (qualifying prior law practice in a foreign jurisdiction).

#### Pathway One

To fulfill the Pathway One requirement at Pace Law School, a student must

(a) successfully complete a total of 6 credits of coursework in courses approved by the Faculty Curriculum Committee as upper level skills courses. Approved upper level skills courses are:

### **Direct Representation Clinics**

*Barbara C. Salken* Criminal Justice Clinic  
Environmental Litigation Clinic  
*Equal Justice America* Disability Rights Clinic  
Food and Beverage Clinic  
Immigration Justice Clinic  
Investor Rights Clinic  
Neighborhood Justice Clinic

### **Externships**

Corporate Law Externship  
Criminal Justice (Prosecutorial) Externship  
Environmental Law Externship (NY and DC)  
Family Court Externship  
Federal Judicial Honors Externship (Spring Semester Chambers Placement)  
Legal Services/Public Interest/Health Law Externship  
Mediation Practicum  
Pro Bono Scholars Program  
Prosecution Honors Externship  
Real Estate Externship  
Semester-in-Practice

### **Simulations**

Advanced Appellate Advocacy  
Advanced Real Property  
Advanced Research Skills in Criminal Law and Procedure  
Advanced Trial Advocacy  
Commercial Leasing  
Commercial Transactions (Skills)  
Drafting Legal Documents  
Environmental Commercial Transactions  
Environmental Dispute Resolution  
Environmental Skills  
Federal Criminal Pre-Trial Simulation  
Intellectual Property Agreements and Licensing  
Law Practice Management  
Lawyering  
Negotiations  
Patent Practice and Procedure  
Pre-trial Civil Litigation Simulation (PCLS)  
Survey of Dispute Resolution Processes (for up to 15 students per semester)  
Trial Advocacy

AND b) complete at least ONE of the following in the course of fulfilling the 6-credit minimum:

1. The Pro Bono Scholars Program
2. Any clinic (Environmental Litigation; Food and Beverage Law; Immigration Justice; Disability Rights; Investor Rights; Criminal Justice; or Neighborhood Justice)
3. The Semester-in-Practice Program (Track I, II, or III)
4. Advanced Environmental Certificate
5. Real Estate Practice Concentration
6. Criminal Practice Concentration
7. Litigation and Dispute Resolution Concentration
8. One of the following externships:
  - a. Corporate Law Externship
  - b. Criminal Justice (Prosecutorial) Externship
  - c. Environmental Law Externship (NY only)
  - d. Family Court Externship
  - e. Legal Services/Public Interest/Health Law Externship
  - f. Prosecution Honors Externship
9. Lawyering

Students may not satisfy both the Upper Level Skills requirement and the Upper Level Writing requirement with the same course. For purposes of this rule, the seminar component of a clinic or externship taken concurrently with the clinic or externship is considered the same course as such clinic or externship, even if the seminar component bears a separate course number.





# ST. JOHN'S UNIVERSITY SCHOOL OF LAW

STUDENT HANDBOOK 2018-2019 pp. 19-20

[https://www.stjohns.edu/sites/default/files/uploads/Student%20Handbook%202018-2019\\_2.pdf](https://www.stjohns.edu/sites/default/files/uploads/Student%20Handbook%202018-2019_2.pdf)

## The Juris Doctor Degree Requirements (Fall 2016 Matriculants and After)

### Experiential Learning Requirement

Students must satisfactorily complete each category (A, B, and C) below, for a total of at least six credits.

A. Foundations: Lawyering (2 credits). This course is designed to introduce students to the lawyering skills, other than writing, required of lawyers, with a focus on client counseling, interviewing, and negotiation. It serves as the foundation course for further study in this area.

B. Advanced Practice Writing. The Advanced Practice Writing Requirement (the "APWR") is intended to ensure that all students attain proficiency in the type of practical writing assignments attorneys perform regularly. The APWR must be satisfied through coursework. As with the SWR, it is strongly suggested that students complete the APWR before the end of their second-to-last semester. For a course to satisfy the APWR, it must provide a substantial opportunity for students to develop and improve litigation and/or transactional writing skills. Courses satisfying the APWR require students to submit practice-writing assignments (regardless of number) totaling at least 25 pages, or a total of seven assignments (regardless of the number of pages), which have been written and/or rewritten with the benefit of instructor critique. A student must be awarded a grade no lower than a C+ to receive APWR credit. The supervising faculty member must certify that the student's work meets the above criteria. All APWR courses have, as a pre-requisite, successful completion of Legal Writing II (LRWR 1010). At the time this Student Handbook was printed, the following courses satisfied the APWR. A complete listing of all courses provided each semester is available through the Online Student Center ([www.stjlawstudent.com](http://www.stjlawstudent.com)). Additionally, course descriptions for all courses as part of the Course Catalog are available on the St. John's Law website ([www.stjohns.edu/law/course-descriptions](http://www.stjohns.edu/law/course-descriptions)).

### Courses That Satisfy the Advanced Practice Writing Requirement

Appellate Advocacy (ALSK 1030)  
Appellate Advocacy-Moot Court (ALSK 1031)  
Bankruptcy Practice- Litigation (BANK 4080)  
Business Planning (BUSI 1060)  
Drafting: ADR Documents (ALSK 9050)  
Drafting: Contracts (ALSK 8000)  
Drafting: Environmental Law (ENVR 1050)  
Drafting: Federal Civil Practice (SFPR 3020)  
Drafting: Federal Criminal Practice (ALSK 8030)  
Drafting: International Contracts (ALSK 9060)  
Drafting: IP Licenses (INPR 2020)  
Drafting: Litigation Documents and Contracts (ALSK 2050)  
Drafting: New York Civil Practice (SFPR 2050)  
Drafting: Real Estate Transactions (PROP 1050)  
Drafting: Trademark Prosecution (INPR 2030)  
Drafting: Transnational Civil Litigation (ALSK 3035)  
Drafting: Wills & Trusts Instruments (ESTA 1000)  
Fact-Writing & Persuasion in Legal Documents (ALSK 7080)  
International Law Advanced Practice Writing Tutorial (INTL 4020)  
Introduction to Bankruptcy Practice: Case Analysis (BANK 5010)

Labor and Employment Arbitration (LABR 1050)  
Legal Writing- Advanced (ALSK 4090)  
Litigation in NY Commercial Division (SFPR 4000)  
Matrimonial Law Practice (FAML 1010)  
Medical Malpractice (HLTH 1040)  
Patent Application Preparation and Prosecution (INPR 2050)  
PBSP Practice Writing Tutorial (PBSP 1030)  
Pre-trial Advocacy (ALSK 1000)  
Supreme Court Amicus Briefs (BANK 3090 & 4000)

Clinics (Revised 5/03/16)  
Bankruptcy Advocacy Clinic (ALSK 8090 & 9000)  
Bread & Life: Immigration Clinic (ALSK 8040 & 8041) Starting Fall 2014  
Child Advocacy (ALSK 5090)  
Criminal Defense (ALSK 8070 & 8080)  
Domestic Violence (ALSK 4010 & 4030)  
Economic Justice (ALSK 9010 & 9020)  
Consumer Justice  
Elder Litigation Clinic (ALSK 2010)  
Immigrant Social Justice Clinic (ALSK1055 & 1056)  
Prosecution (ALSK 2070 & 2080)  
Refugee & Immigrant Rights (ALSK 5000 & 5020)  
Securities Arbitration (ALSK 5050)

C. Applied Skills: The Applied Skills Requirement ("ASR") is designed to ensure that all students attain proficiency in lawyering skills, in addition to drafting, in a real or simulated context. Students must complete at least one course in this category with a grade of C+ or better.

Any clinic (may also counts towards satisfying Category B (APWR))  
Any externship  
Any practicum  
Pro Bono Scholars Program  
Advanced Interviewing and Counseling  
Advanced Trial Advocacy  
Deposition Practice  
Mediation: Representing Clients  
Negotiation  
Trial Advocacy

# Syracuse University College of Law

## LL.M. Admissions & Program Information

<http://law.syr.edu/admissions/llm-admissions/>

- **Skills Competency Requirement:** Section 520.18 to the Rules for the Admission of Attorneys and Counselors at Law (22 NYCRR 520.18) states that applicants seeking admission in New York must establish that they have acquired skills and professional values necessary to competently practice law. Answers to "Frequently Asked Questions" about this requirement can be found [online\[PDF\]](#).

Applicants enrolled in the Syracuse Law LL.M. Program *may* be able to satisfy the requirements of **Pathway 2** (completion of 15 credits of practice-based experiential coursework). This option is viable for LL.M. students pursuing the extended 3-semester degree program. It is more likely that LL.M. students can satisfy this requirement through **Pathway 4** (one continuous 6-month apprenticeship) or **Pathway 5** (one year of full-time practice, or two years of part-time practice in another jurisdiction) described in section 520.18. Applicants: Read more about the Skills Competency Requirement on the New York BOLE [website](#).

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## Outcomes & Assessments

Upon graduation from Touro Law, students should:

- Have a core understanding of the principles of fundamental areas of American substantive and procedural law, including civil procedure, torts, contracts, property, criminal law, constitutional law, evidence, business organizations and trusts and estates.
- Comprehend, analyze and synthesize legal texts and apply the legal principles extracted from the texts to new factual circumstances.
- Demonstrate an ability to use effective oral and written communication.
- Demonstrate the ability to conduct essential practice skills including effective problem-solving, fact investigation, interviewing, negotiating, counseling, and legal research.
- Exercise proper professional and ethical behavior toward their clients and the legal system and progress in the development of their professional identity.
- Demonstrate a commitment to public and community service.

## Pathways for Satisfying the NY Court of Appeals Competency Requirement for Admission to the Bar

Touro Law Center incorporates into its curriculum the skills and professional values that are required for basic competence and ethical participation in the legal profession. Touro offers our students three pathways towards satisfying Court of Appeals Rule 520.18.

To see our Summary of Pathways Compliance document, click [here](#).







# TOURO COLLEGE

## JACOB D. FUCHSBERG LAW CENTER

*Where Knowledge and Values Meet*

Touro Law Center incorporates into its curriculum the skills and professional values that are required for basic competence and ethical participation in the legal profession.

Touro offers our students three pathways towards satisfying Court of Appeals Rule 520.18.

### **Pathway 1**

Pathway 1 is our required experiential curriculum. We have developed a sequential, incremental three-year program where we begin by exposing students to experiences that teach basic skills and progress to increasingly complex and sophisticated courses/situations, culminating in a capstone clinical or “apprenticeship” experience. The following three steps are required of all Touro students: (1) during their first-year, students must complete a six-credit Legal Process course, which includes units related to the development of lawyering skills; students must submit practice documents or participate in performance activities in some of their first-year doctrinal courses, including drafting of a pleading in Civil Procedure; engaging in oral advocacy for a criminal defendant by conducting a bail hearing in Criminal Law; arguing on behalf of a plaintiff or defendant in a seminal contracts case; negotiating an agreement in Torts; and, participating in our Courthouse Curriculum, including the Court Observation and 1L Pro Bono programs; (2) during their second year (or second or third year for our part-time students), students must successfully complete an experiential simulation course which we call our “Intermediate Skills Requirement” (ISR); and (3) during their final year, students must complete one of our clinics. This three-step program reflects the law school’s commitment to experiential learning for all of our students as well as the commitment to access to justice endeavors.

In addition to the required experiential curriculum, upper level students are provided with numerous and diverse opportunities to enhance their professional skills development. Many of our course offerings further develop those skills to which the students have already been introduced in their first year, are simulation modules, hybrid courses, professional labs, and externships. Students may take as many of these courses as they desire; they may even take an additional clinic.

But Pathway 1 offerings go well beyond the course offerings. We also offer co-curricular and extra-curricular programs that enhance the intermediate level of skills development and familiarize students with the values of the profession; students who enroll in these courses will further develop their core competencies and, therefore, be well-prepared for mastering competencies in their clinic or apprenticeship experience.

We are able to provide students with these experiences because of our active student organizations, our well-developed advocacy programs, our Public Advocacy Center (PAC), which houses 10 public interest organizations, committed to providing opportunities for our students to engage in meaningful work.

Our co-curricular programs include:

- Experiential Summer Offerings (beyond our skills development courses)
- Co-Curricular Programs: The Credit-Bearing Advocacy Tutorials – fourteen hours of skills training + Diverse advocacy programs that focus on the development of the MacCrate skills and values
- Extra-Curricular Experiential Offerings – Touro’s Pro Bono & Public Interest Programs at the William Randolph Hearst Public Advocacy Center

The certification of skills and values competency for Pathway One will be made at the time a student completes the capstone experience – a clinic. This certification of skills competency and familiarity with values will be made by the clinic faculty member who will provide a grade, based on a skills and values development rubric that reflects the competency level of the student.

## **Pathway 2**

Pathway 2 requires applicants for admission to successfully complete a minimum of fifteen (15) academic credits in experiential courses. The Touro Law courses or course components that satisfy this requirement focus on developing one or more of the MacCrate skills and are defined by ABA Rules 303(a)(3), 304 and 305 and expanded by the OCA Task Force. Touro Law requires all students to complete a six-credit Legal Process course (which adds 2 credits towards Pathway Two), one course that satisfies our Intermediate Skills Requirement (each ISR is 2-4 credits) and one of our twelve clinics (5 credits for full-time and 3 credits for part-time students). Thus, to satisfy Pathway Two, students will be required to complete an additional 4-9 credits in courses that develop skills and familiarize students with professional values. Touro Law offers approximately forty elective courses that are predominantly skills development classes, and we expect that our students will have ample opportunity to complete even more than 15 credits of experiential coursework, should they desire to do so.

## **Pathway 3**

Touro Law participates fully in OCA’s Pro Bono Scholars Program. Students may satisfy the competency skills requirement for admission by participating in this program, offered annually to a select group of students. Touro’s program is limited to those students who demonstrate a commitment to public interest work and whose academic record reflects an ability to pass the bar exam prior to law school graduation. During the spring semester of their final year, Pro Bono Scholars work approximately 540 hours, which includes a Public Interest Seminar for 3 hours/week, at an OCA approved placement. The law school and the field supervisor certify that the students have completed all requirements of the Pro Bono Scholars program.

## TOURO

<https://www.tourolaw.edu/Academics/?pageid=1033>

### Proposal to Comply with Court of Appeals Rule 520.18

Court of Appeals Rule 520.18 establishes a skills competency requirement for admission to the bar: “[E]very applicant for admission to practice . . . shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State.”<sup>1</sup> The Court describes five pathways by which the competency requirement may be satisfied. Three of those pathways relate to law school programs.

Touro intends to offer our students all three pathways as a means towards satisfying Rule 520.18. All students, however, must meet the requirements of Pathway 1 since that represents our required experiential curriculum, adopted by the faculty in 2014.

#### Pathway 1

Pathway 1 requires the law school to engage in a three-step process for the planning and implementation of a qualifying program: (1) identification of those skills and values that we believe are required for our graduates’ basic competent and ethical participation in the profession; (2) development of a plan to incorporate those skills and values into the curriculum, either through specific courses or special programs; and (3) certification that the graduate applying for licensure has attained sufficient competency in those professional skills and familiarity with those values. Once designed, the requirements for this pathway should be posted on the law school’s website.

The process of creating and adopting our Portals to Practice strategic plan included a multi-year reexamination of our curriculum to ensure that the required experiential curriculum is designed to produce practice-ready professionals. Several years ago, using the MacCrate skills and values<sup>2</sup> as a baseline for the core competencies, Touro’s Curriculum Committee developed a list of outcomes that we considered to be basic to law practice. (The list of outcomes is attached as Appendix B.)

We then engaged in a curricular mapping project to assess whether our curriculum was offering sufficient opportunities for students to attain the requisite skills and values. Where necessary, we proposed, and the faculty approved, changes in the required curriculum to ensure that we were offering an experiential curriculum that would produce practice-ready professionals.

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<sup>1</sup> RULES OF THE COURT OF APPEALS FOR THE ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW, *available at* <https://www.nycourts.gov/ctapps/520rules10.html>. The Rule, in its entirety, is attached as Appendix A.

<sup>2</sup> ROBERT MACCRATE ET AL., AN EDUCATIONAL CONTINUUM: REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION. AMERICAN BAR ASSOCIATION SECTION ON LEGAL EDUCATION AND ADMISSION TO THE BAR (JULY 1992), pp. 138-141; *available at* <http://www.abanet.org/legaled/publications/onlinepubs/maccrate.html> (last visited Feb. 1, 2016).

The current **required experiential curriculum** satisfies the Pathway 1 requirement for licensure. We have developed a sequential and incremental three-year program that is based on the principle of verticality. By verticality, we mean a sequential delivery of practice skills in all three years of laws school beginning with basic skills and progressing to increasingly complex and sophisticated skills, culminating in a capstone clinical or “apprenticeship” experience. The following three steps are required of all Touro students: (1) during their first-year, students must complete a six-credit Legal Process course, which includes units related to the development of lawyering skills; students must submit practice documents or participate in performance activities in some of their first-year doctrinal courses, including drafting of a pleading in Civil Procedure; engaging in oral advocacy for a criminal defendant by conducting a bail hearing in Criminal Law; arguing on behalf of a plaintiff or defendant in a seminal contracts case; negotiating an agreement in Torts; and, participating in our Courthouse Curriculum, including the Court Observation and 1L Pro Bono programs; (2) during their second year (or second or third year for our part-time students), students must successfully complete an experiential simulation course<sup>3</sup> which we call our “Intermediate Skills Requirement” (ISR); and (3) during their final year, students must complete one of our clinics OR, for the top quartile of the class, a special Apprenticeship program as described below. This sequential 3-step program reflects the law school’s commitment to experiential learning for all of our students as well as the commitment to access to justice endeavors.

Our first-year experiential offerings, known as the Courthouse Curriculum, are described in Appendix C.

Our Intermediate Skills Requirement, mandated as part of the 2L curriculum, includes those kinds of courses described by the ABA as “experiential.” In order to qualify as an ISR, the course must focus on at least a majority of the ten MacCrate skills.<sup>4</sup> All of the ISR courses are labeled accordingly and are included in Appendix D.

Our final requirement is completion of one of our twelve clinics.<sup>5</sup> As noted above, students in the top 25% may substitute an apprenticeship for the clinic requirement. The Touro Apprenticeship Program replicates parts of the Pro Bono Scholars Program (PBSP), but does not include early bar admission. The Touro Apprenticeship Program will be structured as follows:

- A full-time apprenticeship during the student’s final year, to be completed either in one or two semesters.

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<sup>3</sup> For the definitions of experiential courses, see AMERICAN BAR ASSOCIATION , SECTION ON LEGAL EDUCATION AND ADMISSION TO THE BAR, Sections 303(a)(3), 304, and 305 *available at* [www.americanbar.org](http://www.americanbar.org) (last visited Feb. 14, 2016).

<sup>4</sup> Some of the ISRs relate to Touro’s concentrations, such as aging and longevity, criminal law, land use, and small/solo practice. Students are encouraged to choose an ISR that helps them meet the requirements of one of these concentrations.

<sup>5</sup> Our clinics focus on helping to meet three significant legal needs in our community. We provide assistance to clients in criminal law, business/property/financial issues, and general services required by vulnerable populations. Currently, we have twelve clinics: State Criminal Prosecution, Federal Prosecution, Criminal Defense, Disaster Relief, Mortgage Foreclosure, Bankruptcy, Advanced Bankruptcy, Small Business & Not-for-Profit, Family Law, Veterans Rights, Immigration, and Elder Law.



- For the one-semester apprenticeship, students will be required to work at an Office of Court Administration (OCA) approved public interest placement, a judicial placement, or a government agency, for approximately 40 hours per week over a 14 week period, for a total of 560 hours. Included in those 40 hours per week is a 3-hour weekly Access to Justice Seminar, to be held at the law school, for a total of 12 credits for the semester.
- For a two-semester apprenticeship: 20 hours per week on the job, at the same agencies listed below, plus participation in the 3 hour weekly Access to Justice Seminar, for a total of 6 credits per semester.

If the apprenticeship is a distance placement, students will be permitted to participate in the seminar via synchronous online access. Students will earn 12 credits for their participation in this program. The law school will collaborate closely with the selected placements, as we already do in the Pro Bono Scholars Program (PBSP). We have forged relationships with these agencies so that it is likely they will accept our students. Additionally, the PBSP has offered numerous trainings to their placement supervisors, so those who accept our students will have a clear understand of our expectations. Our goal is to develop at least 20-25 such placements prior to the implementation of the Rule (effective for the incoming 2016 class), so we will have identified all placements before Fall 2018. We anticipate that some of the approved placements will be:

- Nassau-Suffolk Legal Services
- Legal Aid Society of New York – Criminal and Civil Divisions
- Brooklyn Defenders Services
- Office of the Suffolk County Attorney
- Office of the Suffolk County District Attorney
- Judge(s) of the Problem-Solving, County, or Supreme Courts
- Town Attorney offices
- Albany or DC Placements

In addition to the required experiential curriculum, upper level students are provided with numerous and diverse opportunities to enhance their professional skills development. Many of our course offerings, as seen in the list of skills courses included in Appendix D, which further develop those skills to which the students have already been introduced in their first year, are simulation modules, hybrid courses, professional labs, and externships. Students may take as many of these courses as they desire; they may even take an additional clinic.

But Pathway 1 offerings go well beyond the course offerings. We also offer co-curricular and extra-curricular programs that enhance the intermediate level of skills development and familiarize students with the values of the profession; students who enroll in these courses will further develop their core competencies and, therefore, be well-prepared for mastering competencies in their clinic or apprenticeship experience.



We are able to provide students with these experiences because of our active student organizations and because of our Public Advocacy Center (PAC), which houses 10 public interest organizations, committed to providing opportunities for our students to engage in meaningful work.<sup>6</sup> Some of these programs are:

- Experiential Summer Offerings (beyond our skills development courses)
  - Board of Governors Summer Associate Program
  - George C. Pratt Federal Judicial Clerkship
  - Public Interest Fellowships
  - Federal Work-Study Positions
  - Special Externship Placements
- Co-Curricular Programs: The Credit-Bearing Advocacy Tutorials – fourteen hours of skills training
  - Advocacy Program classes, focused on the development/enhancement of multiple MacCrate skills (e.g. legal analysis, legal research, legal writing, oral advocacy) so that students adequately and effectively prepare for and participate in local and national competitions. Close to sixty (60) Touro students have participated in these experiential offerings during the current academic year. Some of the organizations that offer this co-curricular opportunity to our students are: Moot Court Honor Society, Trial Advocacy Practice Society, Alternative Dispute Resolution Board, Black Law Students Association, Latin American Law Students Association, Immigration Law Society, Labor & Employment Law Society, Environmental Law Society, Sports & Entertainment Law Society
- Extra-Curricular Experiential Offerings – Touro’s Pro Bono & Public Interest Programs at the William Randolph Hearst Public Advocacy Center<sup>7</sup>
  - PAC Agency field placements where students may earn pro bono hours towards OCA’s 50-hour requirement or simply perform pro bono work under the direct supervision of a PAC agency attorney

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<sup>6</sup> The PAC agencies include Empire Justice, Nassau Suffolk Law Services, the New York Civil Liberties Union, Brighter Tomorrows, Health & Welfare Council of Long Island, Long Island Advocacy Center, Long Island Housing Services, Hope for Youth, Americacorps/Vista, National Association of Jewish Legislators, Law Office of the PAC.

<sup>7</sup> The only one of its kind in the nation, Touro’s Public Advocacy Center was developed to have an impact on social justice, legal training and the lives of countless individuals in and beyond the local community. Housed within the law school, local non-profit agencies serve the under-represented of our community and use Touro Law students for advocacy services, research work and client relations. Students work with these organizations either to satisfy their OCA 50 hour pro bono requirement or simply to devote themselves to pro bono service.

- Law Office of the PAC Programs where students, under the supervision of the PAC Attorney, serve as Conference Facilitators for Hope for Youth clients, participate in the Volunteer Income Tax Assistance program, assist with divorce and landlord-tenant cases
- Student-Initiated Pro Bono projects, under the supervision of the Director of Pro Bono, a NYS licensed member of the Faculty, or an attorney in the PAC Affiliate with whom the students are working (e.g. Iraqi Refugee Assistance Project, Breaking Barriers, Street Law, Law Help, LeGal Walk-In Clinic)

The certification of skills competency for Pathway One will be made at the time a student completes the capstone experience (either a clinic or an apprenticeship). This certification of skills competency and familiarity with values will be made by the clinic faculty member who will provide a grade, based on a skills and values development rubric, that reflects the competency level of the student. (The clinic grading rubric is attached as Appendix E.) The student must receive a grade of B or higher in their clinic or apprenticeship in order to satisfy the Pathway One competency requirement. For apprenticeships, the final certification will be made by the faculty instructor, in collaboration with the placement supervisor; they will utilize a grading rubric for the work the student completes both at the placement and for the seminar. (An ad hoc committee will be formed to design this rubric.)

### Pathway 2

Pathway 2 requires applicants for admission to successfully complete a minimum of fifteen (15) academic credits in experiential courses.<sup>8</sup> The Touro courses or course components (attached as Appendix D) that satisfy this requirement focus on developing one or more of the MacCrate skills<sup>9</sup> and are defined by ABA Rules 303(a)(3), 304 and 305 and expanded by the OCA Task Force.<sup>10</sup> Touro requires all students to complete a six-credit Legal Process course (which adds 2 credits towards Pathway Two), one course that satisfies our Intermediate Skills Requirement<sup>11</sup> (each ISR is 2-4 credits) and one of our twelve clinics (for 5 credits for full-time and 3 credits for part-time students. Thus, to satisfy Pathway Two, students will be required to complete an additional 4-9 credits in courses that develop skills and familiarize students with professional values.<sup>12</sup> Full-time summer employment may be counted towards satisfaction of this

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<sup>8</sup> *Supra* note 1; see also *Report to Chief Judge Lippman and the New York Court of Appeals, TASK FORCE ON EXPERIENTIAL LEARNING AND ADMISSION TO THE BAR* (November 2015), p. 3. As discussed in the Report, Pathway 2 is modeled after the rule for skills competency pending approval in the California Supreme Court.

<sup>9</sup> *Supra* note 2.

<sup>10</sup> *Supra* note 3; see also *Report to Chief Judge Lippman and the New York Court of Appeals, TASK FORCE ON EXPERIENTIAL LEARNING AND ADMISSION TO THE BAR* (November 2015).

<sup>11</sup> Touro's criteria for approval of a course as satisfying the ISR includes a minimum of five MacCrate skills, one of which must be legal writing.

<sup>12</sup> The curriculum committee adopted a list of working outcomes, taken from MacCrate as well as other competency paradigms, (see Appendix B), and then engaged in a curricular mapping project where each course offering was evaluated for the coverage of those outcomes. Attached as Appendix D is the list of courses that satisfy skills/values development.

requirement. For every fifty hours of f/t summer employment, students may earn one (1) credit towards satisfaction of Pathway Two.

### **Pathway 3**

Since its inception in 2014, Touro has participated in OCA's Pro Bono Scholars Program. Students may satisfy the competency skills requirement for admission by participating in this program, offered annually to a select group of students. Touro's program is limited to five students, each of whom must demonstrate a commitment to public interest work and whose academic record reflects an ability to pass the bar exam prior to law school graduation. During the Spring semester of their final year, Pro Bono Scholars work approximately 540 hours, which includes a Public Interest Seminar for 3 hours/week, at an OCA approved placement. The law school and the field supervisor certify that the students have completed all requirements of the Pro Bono Scholars program.

**Appendix A**  
**Rule 520.18**

§520.18 Skills Competency Requirement for Admission

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and  
(b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;  
(b) provides opportunities for performance by the student other than traditional classroom discussion;  
(c) provides for regular individualized student feedback from a faculty member; and  
(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any



combination thereof.

(iv) A student may earn up to six of the fifteen required credits through law school certified non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. The supervising attorney must certify to the law school the 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. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Certification. The certification of an applicant's compliance with this paragraph shall list the courses or parts of courses in the law school curriculum and, if applicable, the work experiences completed by the applicant that meet the 15-credit requirement as set forth herein.

(vi) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (v), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.

(3) Pro Bono Scholars Program. An applicant who has successfully completed the Pro Bono Scholars Program as prescribed in section 520.16 of this Part shall be deemed to have met the skills competency requirement.

(4) Apprenticeship. An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and in good standing in the jurisdiction where the apprenticeship occurs. For an applicant who is unable to secure an apprenticeship in the United States, the applicant may complete the apprenticeship in a law office in another country, territory or commonwealth outside the continental United States, under the supervision of one or more attorneys who have, for at least two years, been in good standing and authorized to practice law in that country, territory or commonwealth. In countries, territories or commonwealths that permit the practice of law without formal admission, supervision by a law graduate who has not been formally admitted to the bar may suffice as long as the supervisor is authorized to engage in the relevant practice under the jurisdiction's rules, is in full compliance with the jurisdiction's rules, and has had at least two years of experience in the relevant practice.

(i) Timing. The apprenticeship shall be continuous for the six-month period, and shall commence after the conclusion of the applicant's law studies, except that an applicant who is required to complete an LL.M. program at an approved law school pursuant to section 520.6(b) of this Part may complete the apprenticeship before commencing the LL.M. program. The apprenticeship must be completed in its totality within the three-year application filing deadline provided in section 520.12(d) of this Part.

(ii) Supervisor responsibilities. Apprenticeship supervisors are responsible for (1) certifying the beginning and ending dates of the apprenticeship; (2) providing the applicant with an initial

orientation session; (3) implementing a system for assignment that assures that the applicant is 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; (4) providing the applicant with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; (5) giving timely oral and written feedback to the applicant; (6) engaging the applicant in reflection on his/her experiences and learning during the apprenticeship; and (7) certifying that the preceding elements have been complied with, and that the applicant has satisfactorily completed the apprenticeship.

(iii) Any apprenticeship completed under this paragraph shall be conducted in compliance with all applicable federal, state and local laws and regulations.

(5) Practice in another jurisdiction. An applicant who has been authorized to practice law in another United States jurisdiction or any other country, territory or commonwealth outside the continental United States may satisfy the skills competency requirement by establishing and submitting proof that the applicant has been in good standing and practiced law in that jurisdiction full-time for at least one year or half-time for two years following the applicant's authorization to practice. Prior legal practice may qualify even if it occurred without formal admission to the bar if the applicant engaged in lawful practice in a country, territory or commonwealth that permits legal practice without formal admission to the bar, and if the prior practice was for at least one year or half-time for two years, in full compliance with the jurisdiction's rules. For an applicant who qualifies for the bar exam after completion of an LL.M. degree pursuant to section 520.6 of this Part, the applicant's practice may occur before or after commencement of the LL.M. program.

(b) Proof required. An applicant shall submit to the appropriate Appellate Division department of Supreme Court an Affidavit of Compliance with the Skills Competency Requirement. The Appellate Division may, in its discretion, require the applicant to submit any additional proof it deems necessary to ensure compliance with this section.

(c) Implementation. For applicants who qualify for the bar examination under section 520.3 of this Part, and for applicants who qualify for the bar examination under section 520.6 of this Part on the basis of their foreign legal education alone, the requirements of this section shall first apply to those commencing their law study after August 1, 2016. For applicants who qualify for the bar examination under section 520.6 of this Part after the completion of a qualifying LL.M. program, the requirements of this section shall first apply to those commencing their LL.M. program after August 1, 2018.



**Appendix B**  
***Touro's List of Outcomes***

I. CORE UNDERSTANDING OF THE LAW

Knowledge obtained from the required 1L and 2L curriculum

II. SKILLS

A. Interpersonal Relationships

1. Interviewing

- a. Ability to elicit relevant information
- b. Ability to establish rapport
- c. Ability to exhibit empathy
- d. Ability to listen actively

2. Client counseling

- a. Establishes a counseling relationship
- b. Gathers relevant information
- c. Analyzes decisions to be made
- d. Counsels client about decision
- e. Ascertains and implements client's decision

3. Cross-cultural competency

- a. Ability to understand a client's goals
- b. Ability to distinguish client's goals from attorney's goals
- c. Ability to recognize cross cultural differences
- d. Ability to exhibit sensitivity to cross cultural differences

4. Collaboration

- a. Ability to constructively work with others
- b. Ability and willingness to make a significant contribution to group efforts

B. Critical Thinking and Judgment

1. Legal Research, including:

- a. Ability to research effectively and economically
- b. Ability to choose legal sources appropriate to the issue under scrutiny, including primary and secondary authorities
- c. Familiarity with and ability to use electronic databases to conduct research

2. Legal Analysis and reasoning, including:

- a. Ability to read cases and statutes carefully, critically and analytically
- b. Ability to engage in a variety of modes of analysis including e.g. deductive, inductive, public policy, analogical reasoning
- c. Ability to synthesize the law from a number of cases
- d. Ability to identify and formulate legal issues
- e. Ability to identify relevant legal rules among range of authorities
- f. Ability to formulate, elaborate and evaluate legal theories

- g. Ability to apply the law to the facts of a problem in a detailed manner and to draw reasonable inferences from given facts
- h. Ability to recognize counter-arguments and to refute them
- i. Ability to criticize legal arguments
- 3. Problem solving and practical Judgment including:
  - a. Identifies and diagnoses legal problems
  - b. Generates alternative solutions and strategies (including understanding of and consideration of litigation, negotiation and mediation)
  - c. Develops and Implements a plan of action
  - d. Fact investigation and analysis
  - e. Keeps the planning process open to new information and ideas
  - f. Utilizes a pragmatic approach to decision-making
- C. Communication - Written and Oral
  - 1. Ability to use effective oral and written communication
  - 2. Ability to effectively assess the audience of the communication
  - 3. Knowledge of structure and style of basic legal writings such as an objective office memorandum and a persuasive brief to a court
  - 4. Ability to use large scale and small scale organization in written legal analysis, including IRAC analysis.

### III. PROFESSIONALISM

- A. Organization and Management of Legal Work
  - 1. Sets goals to effectively manage work
  - 2. Develops systems to use time, effort and resources efficiently
  - 3. Develops systems to complete work on time
- B. Recognition and Resolution of ethical dilemmas
  - 1. Knows nature and sources of ethical standards
  - 2. Knows means by which ethical standards are enforced
  - 3. Knows the processes for recognizing and resolving ethical dilemmas
  - 4. Values and exhibits honesty and integrity
- C. Self-development and self-reflection
  - 1. Engages in ongoing self-assessment
  - 2. Engages in ongoing self-development
  - 3. Stays abreast of current substantive and procedural law
  - 4. Refines existing skills and becomes proficient at new skills.
- D. Professional demeanor
  - 1. Demonstrates civility to others
  - 2. Dresses appropriately to the situation
  - 3. Demonstrates responsiveness to clients, judges and attorneys
- E. Diligence
  - 1. Demonstrates initiative
  - 2. Exhibits a strong work ethic
  - 3. Exhibits passion and commitment to professional endeavors
- F. Community service/pro bono
  - 1. Performs pro bono work
  - 2. Exhibits a commitment to public/community service

## Appendix C

### The Courthouse Curriculum

#### *Description of the Required Court Observation & 1L Pro Bono Programs*

Touro's 1L programs are committed to expanding legal education beyond the walls of the classroom. The primary objective of these programs is to operationalize MacCrate's "common enterprise" of practitioners working together to educate future lawyers by focusing on professionalism and skills development. Given our courthouse location, Touro was in a position to create such a joint undertaking, not only with the bar but also with the bench. From the first semester onwards, a Touro student has the opportunity to learn practice skills at the primary institution associated with the legal profession – the courts.

Given this objective, we have created, reformed or expanded our required curriculum, using all of the resources available to us: alumni practitioners, the courts and judges with whom we share a campus; our Public Advocacy Center (a group of not-for-profit organizations housed in the law school that engages our students with advocacy services, research and even client contacts), and of course our own faculty. The first year of our required Courthouse Curriculum includes the 1L Court Observation Program and the 1L Pro Bono Project, which together include exposure and participation to core courtroom and client competencies.

#### Court Observation Program

All first-year students, day and evening, are required to spend 3-4 hours per semester in court, under the supervision of a faculty member and expert practitioner (a former President of the Suffolk Bar Association). During the Fall semester, students observe judges and lawyers in the state court; during the Spring semester, students observe judges and lawyers in the federal court. Frequently, students engage in discussions with the judges about the court, the profession, the skills and values required of attorneys and, specifically, about the substance of what they observed. In federal court, after the students have completed Touro's Civil Procedure course, students continue the discussion with judges about professional identity, but they also may participate in jury selection proceedings and/or discuss case strategies with attorneys. This program exposes students court to the real-world practice of law and to the professionalism required of lawyers. Our objectives are:

- (1) To introduce students to courtroom dynamics and processes;
- (2) To demonstrate to students elements of attorney effectiveness;
- (3) To establish collaborative relationships among the law center, the bench and the bar;
- (4) To begin the process of assessing the quality of justice dispensed in our courts; and
- (5) To infuse into the law school curriculum, from the very beginning, practical educational experiences.

In addition to these court visits, students are required to attend a lunch or dinner with members of the bench and bar where the profession and its benefits, requirements and obligations are

discussed in small group, informal settings. Students spend approximately 9 hours participating in this program.

### The 1L Pro Bono Program

This program provides a unique opportunity for students to participate, albeit in a limited way so as to comply with the rules of the Second Department, in the practice of law. The objectives are twofold: to provide access to justice for those in our community who cannot afford representation but have legal problems; and enable students to develop skills, knowledge and values, and begin to form their own professional identities, by exposing them to contact with litigants, attorneys and the courts. In these programs, students have contact with real “clients,”<sup>13</sup> performing basic law-office related tasks. Prior to engaging in intake interviews, document collection, and fact-gathering, students learn the basics of professional responsibility (through a 2-credit required 1L course), as well as the substance and procedures involved in specific fields of practice. Students receive approximately five hours of training that is directly related to client relationships followed by an additional 1 ½ hours of substantive law training, more like a CLE than a law school class. Currently, the 1L projects include uncontested divorce clients (approximately 35-40 per year – enough to have eliminated the waiting list in Suffolk County) and clients assigned for one day single appearances in Landlord-Tenant court. A typical 1L Pro Bono Project schedule is:

#### Fall Semester

- Poverty Simulation Activity (approximately 3 ½ hours)<sup>14</sup>
- Interviewing/Lawyer-Client Relationships (100 minutes)
- Introduction to Matrimonial Law or Landlord-Tenant Law (100 minutes)

#### Spring Semester

- Procedures related to Uncontested Divorces and to Summary Proceedings in Landlord-Tenant Court (100 minutes)
- Meeting with client (1L Project Coordinator, the PAC Attorney) and a practicing alumni matrimonial attorney present; or, attendance with the PAC Attorney or a practicing landlord-tenant attorney at Landlord-Tenant court. Regardless of the project, all students have the opportunity to observe lawyers in action and assist those lawyers by speaking with the clients themselves, gathering data for intakes or drafting libraries, and connecting their lawyering activities with court papers/proceedings.

We hope to achieve several goals during the next few months:

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<sup>13</sup> When the word “client” is used in the context of the 1L programs, we refer to unrepresented litigants, all of whom understand and sign a letter of limited engagement between themselves and the Project Coordinator (the PAC Attorney).

<sup>14</sup> At the beginning of their legal education, during the first few weeks of the Fall semester, students participate in a Poverty Simulation activity, a simulation exercise that places students (and judges) in the clients’ situations. This exposes our students to the kinds of problems clients often present with, not only legal but also social, economic and cultural. Judge Fern Fisher, Deputy Chief Administrative Judge for the New York City Courts and the Judge presiding over all of NY’s Access to Justice programs, has worked closely with Touro to develop and implement this program. For the past two years, Judge Fisher and her staff have organized and facilitated our Poverty Simulation activity.

- (1) Expand the practice areas for the 1L projects (e.g. bankruptcy intake work, where 1L students will partner with 3L clinic students, working on intakes and document gathering; advocacy, rather than representation, of victims of domestic violence (where students will work with family law clinic students to assist victims of domestic violence to prepare and present their petitions for orders of protection – similar to the NYC Courtroom Advocacy Program); LawHelp, where 1L students will be trained in providing Information & Referral services to call-in “clients” and will then be required to cover the phones for a set number of hours during their second semester
- (2) Further involve our first-year doctrinal faculty in this process because there are numerous ways in which what the students are doing in the Pro Bono projects can be integrated into first-year classroom learning.



**Appendix D**  
***Courses that Satisfy the Requisite 15 Credits for Pathway 2***

**21<sup>st</sup> Century**

**Accounting for Lawyers 2 credits Law 712**

This course provides an accounting background for students who plan to work in corporate, financial, and tax areas. Emphasis is placed on the methods used to produce statements of income and financial descriptions of assets and liabilities, with a view to developing the requisite skills for interpreting financial statements. *(No prerequisite.)*

**Advanced Bankruptcy Clinic 3 credits Law 987**

This clinic involves an examination of the federal bankruptcy laws on a more advanced level than in the Mortgage Foreclosure and Bankruptcy Clinic. The clinic concentrates on two areas of bankruptcy practice: Chapter 13s and Adversary Proceedings. Chapter 13 bankruptcy permits debtors to propose a plan to the court which would permit them to repay creditors including mortgage arrears and taxes over a course of time. Adversary Proceedings are litigation in bankruptcy court that can involve a variety of matters such as questions of discharge; bad faith filings or fraudulent conveyances. These are applications by a creditor or Trustee to recover assets for the creditors, disallow the discharge or dismiss the bankruptcy petition. This aspect of bankruptcy practice will give the student experience in motion practice and trial practice, in a discrete, manageable aspect of a case. Clinic students will represent clients in adversary proceedings, even though the client was not represented by the clinic in the original bankruptcy filing. *(Prerequisite: Mortgage Foreclosure & Bankruptcy Clinic.)*

**Advanced Legal Research 2 credits Law 606**

This course reviews traditional, non-computerized legal research, including Reporters, Digests, Encyclopedias, Restatements, and secondary materials. In addition, it stresses the use of computer-assisted legal research and the use of non-legal resources. As a course in library skills training, it is intended to help students develop confidence in their research capabilities. *(Prerequisites: Legal Process I & II.)*

**Advanced Persuasive Writing 2 credits Law 751**

This course will provide legal writers with specific techniques for improving the persuasive impact of their written and oral arguments, and introduce students to the hidden world of powerful forces underlying effective persuasion. The techniques presented are based on theoretical principles of human nature that have been identified in other disciplines such as classical rhetoric, psychology, and literary theory. *(No prerequisite.)*

**Advanced Trial Practice 3 credits Law 806**



Using the Federal Courthouse as a “laboratory,” this course provides in-depth and sophisticated training in effective litigation, building on the substance of Trial Practice. Topics include pre-trial motions, jury selection, opening and closing arguments, direct and cross examination, expert testimony, the art of objecting, use of trial notebooks, and technology in the courtroom. *(Prerequisites: Evidence, Trial Practice. Satisfies Intermediate Skills Requirement.)*

**American Trial Courts: Introduction to New York State Court Practice IN DISTRICT, FAMILY AND SUPREME COURT 4 credits Law 808**

This ATC course, designed primarily for 2L students but also open to 3L students, immerses the students in the work of the New York State District, Family and Supreme courts. It is a structured journey through the state courts operating at the Cohalan Court Complex, involving approximately three hours per week of courtroom observation at a scheduled time and in a designated courtroom. During these sessions, the students focus on procedures and substance related to the type of courtroom being observed (e.g. Domestic Violence part, Drug Court, Mental Health Court, Landlord-Tenant Court, Child Support or Child Custody/Visitation parts, Model Guardianship Court, and Integrated Domestic Violence court). Students are expected to engage in discussions with judges and attorneys during these courtroom sessions. Students are also required to actively participate in a three hour weekly seminar. For two hours of the session, judges, practitioners and faculty present students with issues related to theory and practice that correlate closely with the substance of the observation sessions. For one hour of the seminar, students will discuss and work collaboratively with one another, and with guest practitioners, on the written submissions/oral arguments they are assigned to present before a designated state judge. *(Pre- or co-requisite: Evidence. Satisfies Intermediate Skills Requirement.)*

**American Trial Courts: New York State Court Practice in County Court, Civil Court & Commercial Part 4 credits Law 822**

This ATC course, designed for 2L and 3L students, immerses the students in the work of the New York State Civil Court, County Court (Felonies), and Commercial Part, all located in the Riverhead court complex. While the substance of this course is entirely different from the course based in Cohalan, the structure and requirements are similar. Students spend approximately four weeks completing a rotation through each of the three courts specified above. These hours are pre-scheduled at a designated time, every week, for approximately three hours. During these sessions, the students focus on procedures and substance related to the type of courtroom being observed (e.g. pre-trial hearings and trials in the County court, Article 78 and discovery proceedings in Civil court, corporate dissolutions and shareholder derivative suits in the Commercial part). Students are expected to engage in discussions with judges and attorneys during these courtroom sessions. Students are also required to actively participate in a three hour weekly seminar. For two hours of the session, judges, practitioners and faculty present students with issues related to theory and practice that correlate closely with the substance of the observation sessions. For one hour of the seminar, students will discuss and work collaboratively with one another, and with guest practitioners, on the written submissions/oral arguments they are assigned to present before a designated state judge. *(Pre- or co-requisite: Evidence. Satisfies Intermediate Skills Requirement.)*

**American Trial Courts: Theory & Practice in the Federal Courts 4 credits Law 809**

The course components for the federal court ATC course are: three (3) hours of courtroom observation per week, enrollment in a pre- or co-requisite, related course, and participation in the

weekly two-hour program seminar. To satisfy the courtroom observation component, students must spend a minimum of three hours per week, as their schedules permit, rotating through the federal bankruptcy, magistrate, and district courts. They must also spend at least one hour per week on the court's electronic case filing system, studying the progress of an assigned pending case. The program seminar, which meets weekly for two hours per week, is built around the substantive work of the federal courts, with sessions devoted to theory (presented by faculty), practice (presented by attorneys and judges), and student "action" (involving written submissions and oral argument before the court). The content of the program seminars correlates closely with the substance of courtroom observations and provides the students with multiple perspectives on the work of the federal trial courts. *(Pre- or co-requisite: Evidence. Satisfies Intermediate Skills Requirement.)*

**American Trial Courts: Introduction to NYS Court Practice in the Justice Courts 4 credits Law 856**

This course engages students in a critical examination of the work of local town and village justice courts, including the history, the impact of recent reforms, and the substantive law practiced in these courts. The course has two main components: (1) courtroom observation/interaction with town and village justices; and (2) participation in a weekly seminar. Court sessions meet during the evening hours or on weekends and typically last about three hours. The three-hour weekly seminar is built around the substantive work of the Justice Courts, and will include participation of judges, town and village attorneys, practitioners and select faculty. *(No prerequisite. Preference given to evening students. Satisfies Intermediate Skills Requirement.)*

**Appellate Advocacy 3 credits Law 708**

This seminar integrates substantive procedure with the practice of appellate litigation. The focus of the class is to prepare an appellate brief and an oral argument. Individual sessions emphasize the central problems of appellate litigation, including practice in the federal and New York appellate courts, appealability, reviewability, scope of appellate review, advocacy, brief writing, oral argument, and opinion writing. *(No prerequisite.)*

**Business Organizations Practice Module 2 credits Law 677P\***

The practice module is a simulation course that teaches practice skills and utilizes the principles and methodology of experiential learning. Students meet with hypothetical clients and assist them in selecting the appropriate form of business enterprise and in preparing partnership, corporate, and other business documents. *(Pre- or co-requisite: Business Organizations I.)*

**Business Planning 3 credits Law 768**

This course offers a detailed analysis of problems encountered in the ownership and control of business, based upon the interaction of contract, corporate, tax, and securities law. With special consideration to the counseling role of an attorney, students are presented with a series of client-suggested transactions on proposed ownership/control changes and asked to determine the most appropriate means of obtaining the result(s) desired. *(Prerequisite: Business Organizations I.)*

**Criminal Law Externship 3 credits Law 895\***

Using the criminal justice system as a paradigm, clinic students analyze how legal systems and institutions function. Students work approximately 12 to 15 hours per week at a District Attorney's or Public Defender's Office, under the supervision of the clinic's director and an attorney at the field placement. They handle cases by investigating, interviewing, researching, drafting, and brief writing, as well as by assisting at hearings and at trials. Students are required to keep diaries, which they discuss in the weekly seminars. Class discussions are based upon readings, simulations, and students' experiences at their placements, with particular scrutiny of the political, social, economic, and psycho-logical factors that frequently determine the outcome of criminal prosecutions. (*Prerequisite: Criminal Law I. Suggested pre-requisite: Professional Responsibility.*)

**Criminal Procedure Practice Module 2 credits Law 633P\***

The practice module is a simulation course that teaches practice skills and utilizes the principles and methodology of experiential learning. Students deal with hypothetical situations common in criminal prosecution and defense work, and research and draft documents such as informations, indictments, search warrant applications, pre-trial motions, motions to suppress evidence and other documents frequently used in criminal practice. (*Pre- or co-requisite: Criminal Procedure. Satisfies Intermediate Skills Requirement.*)

**Drafting Commercial Documents 2 credits Law 743\***

This seminar involves discussion, negotiation, and drafting of business agreements. Documents might include a sale or distribution agreement; loan and security agreements; an intellectual property license; a technology evaluation and development agreement; or employment, consulting, or confidentiality agreements. (*No prerequisite. Satisfies Intermediate Skills Requirement.*)

**Environmental Law Practice Module 2 credits Law 694P\***

This is a simulation course that teaches practice skills and utilizes the principles and methodology of experiential learning. Students meet with hypothetical clients and assist them in handling environmental law issues frequently encountered in practice, including the Comprehensive Environmental Recovery, Compensation & Liability Act (CERCLA), environmental management, litigation, remediation, environmental justice, and property issues. (*Prerequisite: Environmental Law. Satisfies Intermediate Skills Requirement.*)

**Expert Legal Systems**

**Family Law Practice Module 2 credits Law 667P\***

The practice module employs the principles and methodology of experiential learning to help students develop practice skills. Through simulations of real-world practice situations, students meet with hypothetical clients and assist them in selecting, negotiating and drafting documents appropriate to achieve their ends, including retainer agreements, family offense petitions, orders of protection, custody and visitation petitions and agreements, guardianship, petitions for support and financial disclosures. (*Pre or co-requisite: Family Law. Satisfies Intermediate Skills Requirement.*)

**Federal Judicial Clerkship 4 credits Law 699 (summer only)**



This externship combines a field placement as a clerk in the chambers of a United States District Court judge with a seminar focusing on various aspects of federal civil and criminal litigation and the judicial process. In the fieldwork component students will work 16 full 8-hour days over a period of one month as a judicial clerk in the United States District Court. Students' responsibilities will include extensive research and writing, assisting in trials and hearings, and other work in chambers as assigned. Students will also keep and submit journals describing their placement experiences. In addition, students will attend 8 3-hour seminars during the same one month period, which will focus on federal courts and judicial decision making, utilizing readings, student journals, and discussions of issues arising from the field placement. (*Suggested prerequisite: Professional Responsibility.*)

### **Health Care Law – includes professional lab, 1 credit of placement**

#### **Honors Trusts & Estates with Practice Module 4 credits Law 682\***

In this course, students will learn and then apply the law governing gratuitous transfers, focusing primarily on wills, trusts, and other will substitutes. It will explore the policies and theories behind donative transfers during life and at death and examine the applicable doctrinal law based in statute and case law. The course will focus on the practical application of these doctrinal materials and the attorney's role in planning and administering an estate through the use of simulation exercises and drafting projects.

Particular attention will be devoted to interviewing and counseling clients, drafting and analyzing wills, trusts, and other testamentary instruments and legal documents used in probate, construction, accounting and guardianship proceedings. Both the doctrinal and skills component of the course will emphasize the applicable New York statutory law but evaluate it in a comparative context. The course will also introduce the student to the relevant professional responsibility issues which practitioners may expect to encounter. (*Prerequisite: Property I. Satisfies Intermediate Skills Requirement.*)

#### **International Sales Law & Arbitration Practice Module 2 credits Law 760P\***

This course provides an opportunity for students to apply the law governing international sales of goods and international commercial arbitration to the subject matter of the problem to be argued in the Annual Willem C. Vis International Commercial Arbitration Moot. Working in teams, students will research and analyze the moot problem (published in early October), draft a brief in support of one of the parties, and participate in oral arguments before a mock arbitration panel. This class begins in early October and ends shortly before the end of the fall semester (grading is based on written submissions and oral presentations-there is no final exam). A team of students from the class will be selected to represent Touro in the Vis Moot competition in Vienna during the following spring semester. (*Students must complete either International Commercial Law & Dispute Resolution (Croatia) or International Sales Law & Arbitration as a pre-requisite to this practice module.*)

#### **Interviewing, Negotiating, & Counseling 3 credits Law 696\***

In this course, students are introduced to the fundamentals of interviewing, negotiating, and counseling skills necessary for effective client representation. Topics covered include client-centered thinking; active listening; interview planning; question formulation and ordering; approaches to counseling; and techniques and styles of negotiation. (*No prerequisite. §3-credit version satisfies Intermediate Skills Requirement.*)

**Judicial Externship 3 credits Law 899**

This clinic combines a field placement as a clerk in the chambers of a trial or appellate judge with a weekly seminar focusing on various aspects of civil litigation and the judicial process. The fieldwork component requires each student to work approximately 12 to 15 hours per week as a judicial clerk in state or federal court. Students' responsibilities include extensive research and writing on issues assigned by the judge. In addition, they submit weekly journals describing their placement experiences. Integrating theory with litigation practice through simulations, the seminar component focuses on judicial decision-making, utilizing readings, student journals, and discussions of issues arising from the field placements. *(No prerequisite.)*

**Judicial Opinion-Writing****Law Practice Management 2 credits Law 716**

This course provides an introduction to law practice management, with an emphasis on solo and small firm practice. Students explore the decision to start a law practice; affiliational arrangements and partnership agreements; compensation and benefits; paralegal and non-legal personnel; ethical and malpractice pitfalls and malpractice insurance; substantive and administrative systems; law library and other information resources; computer hardware and software; client development and client relations; fee setting, billing, and collection; and financial planning and budgets. *(No prerequisite.)*

**Licensing in Intellectual Property 2 or 3 credits Law 813\***

This course introduces students to the substantive law of licensing, including licenses for various types of intellectual property; licenses in different industries; international licenses; and technology transfer, as well as drafting and negotiating license agreements. *(Prerequisite(s): at least one of the following - Intellectual Property, Patent Law, Patent Practice, or Patent Litigation. \*3-credit version satisfies Intermediate Skills Requirement.)*

**New Paradigms in Lawyering 3 credits (1 credit of professional lab included/required)****Patent Practice Seminar 2 credits Law 815**

This seminar allows students to develop skills in the drafting of patent claims, specifications, and other legal documents prepared by patent attorneys. Working under the supervision of patent counsel, students prepare and present a research paper on a particular aspect of patent law. *(Prerequisite: Patent Law.)*

**Pre-Trial Litigation 3 credits Law 709\***

In a context that simulates actual practice, this seminar details the pre-trial steps in litigation. Students develop litigation strategies, then apply the substantive and procedural law. The impact of the rules of evidence on the pre-trial stage is also considered. Students draft pleadings, discovery requests, and motion papers, and practice taking and defending depositions. *(No prerequisite.)*

**Pre-Trial Litigation: Commercial 3 credits Law 846\***

In a context that simulates actual practice, this seminar will serve as an introduction to commercial litigation with a focus on motion practice, written discovery and depositions. The course aims to provide both a practical and doctrinal perspective on commercial-related litigation, and will rely heavily on readings and issues derived from practice in the courts of

Delaware and the New York State commercial division, where much contemporary deal litigation occurs. *(No prerequisite.)*

**Problem-Solving Justice 3 credits (.5 credits in professional lab included/required)**

**Public Benefits (1 credit required professional lab)**

**Selected Topics in Trial Practice (1 or 2 credits)**

**Settling Legal Disputes: Negotiation, 2 credits Law 833**

**Mediation & Mediation Representation 3 credits Law 704\***

This course examines theoretical foundations and practical applications of adversarial and problem-solving approaches to negotiation, as well as effective advocacy in settlement conferences before judges and in mediations. Particular attention is paid to the differences between adversarial and problem-solving negotiations; techniques for identifying and advocating clients' interests; ways to recognize, classify, and overcome impediments to settlement; and methods of preparation for successful negotiations, settlement conferences, and mediations. *(No prerequisite. Satisfies Intermediate Skills Requirement)*

**Solo/Small Practice Skills (3 credits)\***

**Trial Practice 3 credits Law 706\***

**Trial Practice: Criminal 3 credits Law 841\***

This seminar allows students to participate in each stage of a simulated civil or criminal trial: they select juries; deliver opening arguments; prepare expert testimony; conduct direct-examination and cross-examination of witnesses; and deliver closing arguments. The use of videotaping allows students to review and analyze their trial skills throughout the course. At the end of the semester, each student conducts an entire trial in front of a judge and jury. Trial Practice courses will be designated as either (1) Trial Practice; (2) Trial Practice: Criminal; or (3) Trial Practice: Civil, depending on the focus of the specific course, as determined by the instructor in consultation with the Associate Dean. Prerequisites are the same for all versions. *(Pre- or co-requisite: Evidence. Satisfies Intermediate Skills Requirement.)*

**Trusts & Estates Practice Module 2 credits Law 681P\***

The practice module introduces students to the skills of inter-viewing, counseling, negotiation, and drafting, by using problems based on the substantive law of trusts and estates. In simulations, students may interview witnesses in a will contest, draft trust provisions, conduct direct and cross examination in a will construction proceeding, and counsel a client on an estate planning issue. *(Pre- or co-requisite: Trusts and Estates. Satisfies Intermediate Skills Requirement.)*

**Youth Court 4 credits\***



