



SUPPLEMENTAL STATEMENT OF THE NEW YORK CITY BAR ASSOCIATION  
BEFORE THE ADVISORY COMMITTEE ON THE UNIFORM BAR  
EXAMINATION

City Bar respectfully thanks the Advisory Committee for the opportunity to supplement our previous testimony regarding New York's possible adoption of the Uniform Bar Exam ("UBE.") This supplemental testimony addresses two issues: i) the possibility of gaining bar admission in New York State based in whole or in part on evaluation techniques other than passage of a written bar exam; and ii) concerns that have been expressed in the hearings before the Advisory Committee regarding the potential impact of the Uniform Bar Exam on traditionally disadvantaged groups.

As stated in our initial testimony at the Advisory Committee's January 20 hearing, City Bar long has advocated that New York State consider basing bar admission on evaluation protocols other than a written bar exam. More than twenty years ago, we advanced for consideration that bar admission in New York might be based at least in part on a defined amount and quality of supervised experiential learning, and, specifically, in 2002 we recommended that there be established a public service alternative bar examination.<sup>1</sup>

We first reiterate our continuing belief that the Uniform Bar Exam presents important advantages as a written test over the current New York State Bar Exam and that New York should adopt the UBE as of July 2016, together with a new New York State focused written test. At the same time, we urge that consideration of reform not stop with the adoption of the UBE. We respectfully urge that New York State also actively consider supervised experiential learning, not as the sole pathway to bar admission, but as an alternative, in whole or in part, to the written bar examination. Such an alternative way of demonstrating competency to practice law may be more accessible to some applicants, while still fulfilling the important consumer protection element of bar

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<sup>1</sup> See Public Service Alternative Bar Examination (joint report of Legal Education and Admission to the Bar Committees of the New York City Bar Association and the New York State Bar Association, June 2002).

testing. It also may have the practical effect of increasing the amount of skills-based learning available to prospective lawyers.

We recognize that a more detailed evaluation of this alternative would require significant study. We urge that concurrently with the adoption of the UBE, the Chief Judge appoint a Task Force to consider further this alternative.

As to the second issue, we recognize that a number of witnesses before the Advisory Committee, including the City Bar in our own January 20 testimony, have drawn the Committee's attention to the potential impact of the UBE on traditionally disadvantaged groups. We think it is important to reiterate our view that this important concern should not be the basis to preclude or delay implementation of the UBE in New York State. We believe implementation of the UBE itself will deliver powerful benefits to disadvantaged groups, especially facilitating the ability of new lawyers to relocate if necessary to areas where jobs become available, as they are available. We continue to believe that balancing all of the interests at issue here, the preferred approach is to ensure that the Bar Examiners *track* the impact of the UBE on traditionally disadvantaged groups and *react* promptly to any evidence of an adverse impact by taking prompt corrective action.

We thank the Advisory Committee for the opportunity to submit this supplemental testimony.

February 18, 2015