

**NEW YORK STATE BAR ADMISSION
SKILLS AND VALUES COMPETENCY REQUIREMENT
LAW SCHOOL PLANS and PROPOSALS**

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HOFSTRA

Learning Outcomes



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 \(PDF\).](#)

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	Credits	Learning Outcome(s)
Legal Analysis, Writing & Research I and II	5 credits total	<p>[From Category 4] Students learn:</p> <ul style="list-style-type: none"> (a) how to write analytically and persuasively; (b) draft legal documents <p>[From Category 5] Students learn how to:</p> <ul style="list-style-type: none"> (a) extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes; (b) identifying legal issues in facts and applying rules and policy to facts; (c) constructing arguments and identifying flaws in an argument; (d) performing comprehensive legal research; (e) presenting analysis orally and arguing orally

Foundational Lawyering Skills	3 credits	<p>[From Category 6] Students learn:</p> <ul style="list-style-type: none"> (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) negotiating in both dispute and transactional contexts; (d) counseling clients; (e) interviewing; (f) performing basic trial tasks; (g) using procedural tools such as motions and discovery; (h) working collaboratively; (i) learning from experience through self-critique; (j) presenting orally outside of litigation;
Lawyers' Ethics (or other courses that meet the professional responsibility graduation requirement)	2-3 credits	<p>[From Category 6] Students learn:</p> <ul style="list-style-type: none"> (a) recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards; <p>[From Category 7] Students learn how to:</p> <ul style="list-style-type: none"> (a) conduct him or herself in accordance with standards of professional conduct; (b) fulfill a lawyer's commitment to competence, integrity, accountability, and social responsibility; (c) 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

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.

MEMO

TO: Law Faculty

FROM: Jennifer A. Gundlach
Senior Associate Dean for Experiential Education & Clinical
Professor of Law

RE: New Skills Competency Requirement for Admission in New York &
Proposal for Plan to Provide Our Students with the Pathways for Compliance

DATE: March 1, 2016

New York's New Skills Competency Requirement

In December 2015, the Court of Appeals adopted a Skills Competency and Professional Values requirement for admission to the bar in New York. This new requirement, contained in section 520.18 of the Court's Rules for the Admission of Attorneys and Counselors at Law and available on the Court's website (<http://www.courts.state.ny.us/ctapps/520rules10.htm#B18>), requires applicants for admission in New York to establish that they have acquired the skills and are familiar with the professional values necessary to competently practice law in the state. Section 520.18 provides five separate pathways by which applicants can establish acquisition of the requisite skills and values.

Three of the pathways relate directly to an applicant's law school training.¹ The first pathway [hereinafter Pathway #1], contained in § 520.18(a)(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 (1) "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 (2) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values. This can be accomplished "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." This pathway provides law schools the freedom to identify

¹ The last two pathways are designed primarily for LL.M students and/or J.D. students who are unable to meet the requirements of the first three pathways. Pathway #4 allows applicants who satisfy the skills requirement upon completion of a post-graduate six-month apprenticeship in the United States or in a commonwealth, territory or a foreign country, under the supervision of an attorney authorized to practice in the jurisdiction where the work is performed. The apprenticeship can be paid or unpaid. The supervising attorney is responsible for certifying that the apprenticeship satisfied certain criteria. Pathway #5 provides that an applicant who has been authorized to practice law in another state, or in a territory, country or commonwealth outside of the United States and has practiced in that jurisdiction full time for one year, or part time for two years, will meet the skills competency and professional values requirement. See § 520.18(a)(4) and (5).

and articulate the skills and professional values, as well as the ways in which the schools will measure their students' attainment of these skills and understanding of these values.

The second pathway, contained in § 520.18(a)(2), permits an applicant to satisfy the skills competency requirement by submitting proof from the law school that the student completed 15 credits of "practice-based experiential coursework", as defined by ABA Standards, "designed to foster professional competencies." For purposes of this requirement, "the law school cannot count the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof." However, a student may earn up to 6 of the 15 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. At least 50 hours of full-time employment is required for each substituted credit under this subdivision. For purposes of these "employment credits", the supervising attorney certifies the student's compliance with the rule. The remainder of the credits are certified by the law school.

The third pathway, contained in § 520.18(a)(3), provides that applicants who have completed the Pro Bono Scholars Program are deemed to have satisfied the skills competency and professional values requirement.

The new skills competency and professional values requirement goes into effect for J.D. students commencing their law study in August 2016. For foreign-educated applicants who must complete an LL.M. degree at an ABA-approved law school, the requirement first applies to those commencing their LL.M. program in August 2018.

In order to ensure compliance with this new requirement, each law school has been asked to submit to the Court a description of the steps it will be taking to provide students with opportunities to satisfy Section 520.18.

Proposal for Plan to Ensure Our Students' Ability to Comply with the Rule

J.D. Students

I have reviewed our experiential curriculum and I would propose that our school seek to ensure our J.D. students' compliance with the new Rule by meeting the requirements of Pathway #1. To do so, we must take the following steps:

- (a) adopt 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 its graduates' basic competence and ethical participation in the legal profession";
- (b) submit that a copy of that plan to the Court and make it available on our website;
- (c) determine the sufficient grade required for a student to demonstrate competence; and
- (d) for those students who are seeking admission in New York, we'll have to provide certification that they received sufficient grades in all of the courses we have determined to meet the requirements of the rule.

Given that a law school is free to identify how we have incorporated into our curriculum the skills and professional values that, in our judgment, are required for our graduates' basic competence and ethical participation in the legal profession, I would recommend that we use our list of approved learning outcomes as a guideline for making that determination. Specifically, we can identify 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. Note that there is no minimum number of credits required for Pathway #1.

Based on my review of the curriculum, 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	Credits	Learning Outcome(s)
Legal Analysis, Writing & Research I and II	5 credits total	<p>[From Category 4] Students learn:</p> <ul style="list-style-type: none"> (a) how to write analytically and persuasively; (b) draft legal documents <p>[From Category 5] Students learn how to:</p> <ul style="list-style-type: none"> (a) extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes; (b) identifying legal issues in facts and applying rules and policy to facts; (c) constructing arguments and identifying flaws in an argument; (d) performing comprehensive legal research; (e) presenting analysis orally and arguing orally
Foundational Lawyering Skills	3 credits	<p>[From Category 6] Students learn:</p> <ul style="list-style-type: none"> (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; (d) negotiating in both dispute and transactional contexts; (e) counseling clients; (f) interviewing; (g) performing basic trial tasks; (h) using procedural tools such as motions and discovery; (i) working collaboratively; (k) learning from experience through self-critique; (m) presenting orally outside of litigation;

Lawyers' Ethics (or other courses that meet the professional responsibility graduation requirement)	2-3 credits	<p>[From Category 6] Students learn:</p> <p>(c) recognizing the most common ethical and professional liability dilemmas and resolving them with high professional standards;</p> <p>[From Category 7] Students learn how to:</p> <p>(b) conduct him or herself in 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, I would recommend that we adopt 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.

Should we adopt this plan, along with a statement that students must have a passing score in each of these courses, it should satisfy the requirements of Pathway #1, such that any of our J.D. students seeking admission in New York would comply with this new rule. NOTE: Student who participate in the Pro Bono Scholars Program will also comply with the rule pursuant to Pathway #3. Such a plan mirrors our existing graduation requirements and would satisfy our requirement. Finally, I would recommend that before we complete adoption of such a plan and publicize it to our students that we seek approval from the Court of Appeals.

LL.M Students

As an initial matter, it should be noted that not all of our LL.M students seek admission in New York. Although our LL.M students who do seek admission in New York will not need to demonstrate compliance with the rule until the entering class in August 2018, I would recommend that, given the small class size we have each year, we should offer spots to them in the Foundational Lawyering Skills course. Our LL.M students already take 6 credits in separate sections of legal writing, analysis, and research and legal methods. In addition, they must take Lawyers' Ethics. Given their prior legal education, I propose that we determine that such a plan would satisfy their competency under Pathway #1.² For those who can satisfy competency pursuant to Pathways #4 or #5, the law school will not need to provide any documentation.

² To ensure that this plan for LL.M students who are seeking admission in New York would be satisfactory to the Court of Appeals, I would recommend that we seek approval of it and make any necessary adjustments prior to August 2018.

(i)

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> [Student Competencies and Learning Outcomes \(https://www.nyls.edu/academics/student-competencies-learning-outcomes/\)](https://www.nyls.edu/academics/student-competencies-learning-outcomes/)
> [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 \(http://www.nyls.edu/academics/wp-content/uploads/sites/143/2016/10/ACAD-Skills-Competency-Requirement-PDF-1018-v1-locked.pdf\)](http://www.nyls.edu/academics/wp-content/uploads/sites/143/2016/10/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).



[Home \(https://www.nyls.edu\)](https://www.nyls.edu) > [Academics \(https://www.nyls.edu/academics\)](https://www.nyls.edu/academics)

> Student Competencies and Learning Outcomes

Student Competencies and Learning Outcomes

It is the goal of New York Law School to ensure that every student:

Knows the sources of law and understands the weight of legal authority

Acquires foundational knowledge of basic legal subjects

Can critically read, comprehend, analyze, and apply legal authority

Can identify specific legal issues presented by factual scenarios

Can use tools of law and policy to engage in problem solving

Can design and carry out legal research projects

Can write with clarity, precision, and effectiveness

Can speak cogently about legal concepts

Can work as part of a team, which may include engaging in collaboration, being a team leader, making effective use of supervision

Understands the fundamentals of basic lawyering skills such as:

- 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

Understands how to develop professional expertise and appreciates the importance of maintaining competence in client representation

Exhibits professionalism and honors the ethical obligations of lawyers

Understands the way law is practiced in a variety of contexts, such as transactional practice and litigation

Understands the special responsibilities of lawyers to promote justice and improve the legal profession

**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.¹ 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.

¹ Note: This is a separate and additional programming requirement from the 50-hour Pro Bar 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.

Skill (NYLS Competency)	Curricular Requirements Where Skill is Taught
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

Skill (NYLS Competency)	Curricular Requirements Where Skill Is Taught
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
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

Skill (NYLS Competency)	Curricular Requirements Where Skill is Taught
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

From NYU to the New York Bar

For students who need the LLM to qualify for the New York bar exam, NYU is prepared to help. The Law School consults with the New York Court of Appeals to identify classes that meet bar eligibility requirements, and offers comprehensive advice gleaned from years of experience working with students to achieve this goal. To date, a broad range of more than **50 NYU Law classes**

(<http://www.law.nyu.edu/recordsandregistration/barexams/barexamsafterjuly2013/eligibilityrequirements>) have been approved by the Court to satisfy requirements for eligibility. Some of these classes are offered in particular academic years, but many are offered on an annual basis.

Curricular Flexibility

Choice is important—students choose NYU to pursue a curriculum that meets their own intellectual interests and professional goals. Many of the **Court-approved NYU courses** (<http://www.law.nyu.edu/recordsandregistration/barexams/barexamsafterjuly2013/eligibilityrequirements>) count toward some of the LLM specialization requirements, so students can pursue the degree they want and also qualify for the New York bar exam.

As a bonus, NYU has a summer class that allows students to earn 3 credits toward fulfillment of the bar eligibility requirements. By taking Introduction to US Law, which is mandatory for all foreign-trained students, and which takes place two weeks before fall semester begins, students have more flexibility to follow their interests during the fall and spring semesters.

A Large Selection of Fall and Spring Semester Classes

Professional Responsibility

NYU offers multiple sections of 8 different classes that address professional responsibility (<http://www.law.nyu.edu/recordsandregistration/barexams/barexamsafterjuly2013/eligibilityrequirements>). These classes are a part of comprehensive training for future litigators, government lawyers, and corporate attorneys, and satisfy the 2-credit eligibility requirement of a course in the history, goals, instruction, value, rules and responsibilities of the US legal profession.

Subjects Tested on the Bar Exam

NYU has an extensive list of over **30 different classes**

(<http://www.law.nyu.edu/recordsandregistration/barexams/barexamsafterjuly2013/eligibilityrequirements>) that have been approved to fulfill the 6-credit eligibility requirement in subjects that are tested on the New York State bar exam. The variety of these classes is of special appeal to our students, whether they wish to take basic classes in American law, such as Contracts or Corporations, or more specialized classes such as Information Privacy Law, Conflicts of Law, or a seminar on the First Amendment.

Comprehensive Advice

Crafting a personalized curriculum takes careful planning. Students will want to ensure that the classes they choose meet both NYU's LLM degree requirements and the eligibility requirements for the New York bar exam. At the Law School, we have dedicated advising resources for LL.M.s so that our students can be assured of meeting New York bar eligibility requirements, while also maximizing, to the extent possible, the number of classes that meet their own intellectual and career goals.

Student Advising

Our advising begins over the summer months, before students arrive on campus. Through online chats, students receive advice from professors who are experts in their fields and current LLM students who share their insights from their own time at NYU. In addition, administrators in Graduate Affairs provide personalized counseling via email, videoconference, and telephone. Typical topics discussed with our administrators are the degree and program requirements, NY bar eligibility, and making the most of the Law School's rich curricular and co-curricular opportunities.

Class Registration

The class registration process also takes place during the summer. To maximize the chance of obtaining the classes which students most want to take, administrators in Graduate Affairs offer extensive instruction on the selection procedure in place, as well as advice on how best to indicate preferences for certain classes and professors. Throughout this process, students are also encouraged to consult with faculty members in their areas of interest.

After arriving at NYU, students adjust their schedules at the start of each semester to ensure their curriculum is optimized for their goals.

BAR RULES

Prospective students are strongly encouraged to view **full information about the Court's rules and NYU's offerings**

(<http://www.law.nyu.edu/recordsandregistration/barexams/barexamsafterjuly2013/>) well in advance of applying to the Law School. The New York State Board of Law Examiners, not NYU, has the sole authority to deem individuals qualified to sit for the New York bar exam.

As to the new competency requirement, at this time, NYU Law does not have plans to certify graduates as having met the competency requirement during the LLM year; therefore, candidates for NY bar admission will need to use pathways four or five outlined in the rule which allow candidates to establish competence through legal apprenticeship or legal practice in the US or another jurisdiction before or after the LLM.

PRO BONO

To be admitted to the bar, New York requires **50 hours of pro bono service** (<http://www.law.nyu.edu/publicinterestlawcenter/forstudents/nys-bar-pro-bono-requirement>). For those who have not already met this requirement at home in the year before they start the LLM degree, NYU's **Public Interest Law Center (PILC)** (<http://www.law.nyu.edu/publicinterestlawcenter>) has partnered with a number of nonprofit and public interest organizations to create diverse opportunities to do so during the LLM year.

For students who wish to wait to learn whether they have passed the NY bar exam before performing the required hours of pro bono service, and who will remain in the area, NYU is working to establish opportunities even after graduation from the Law School.

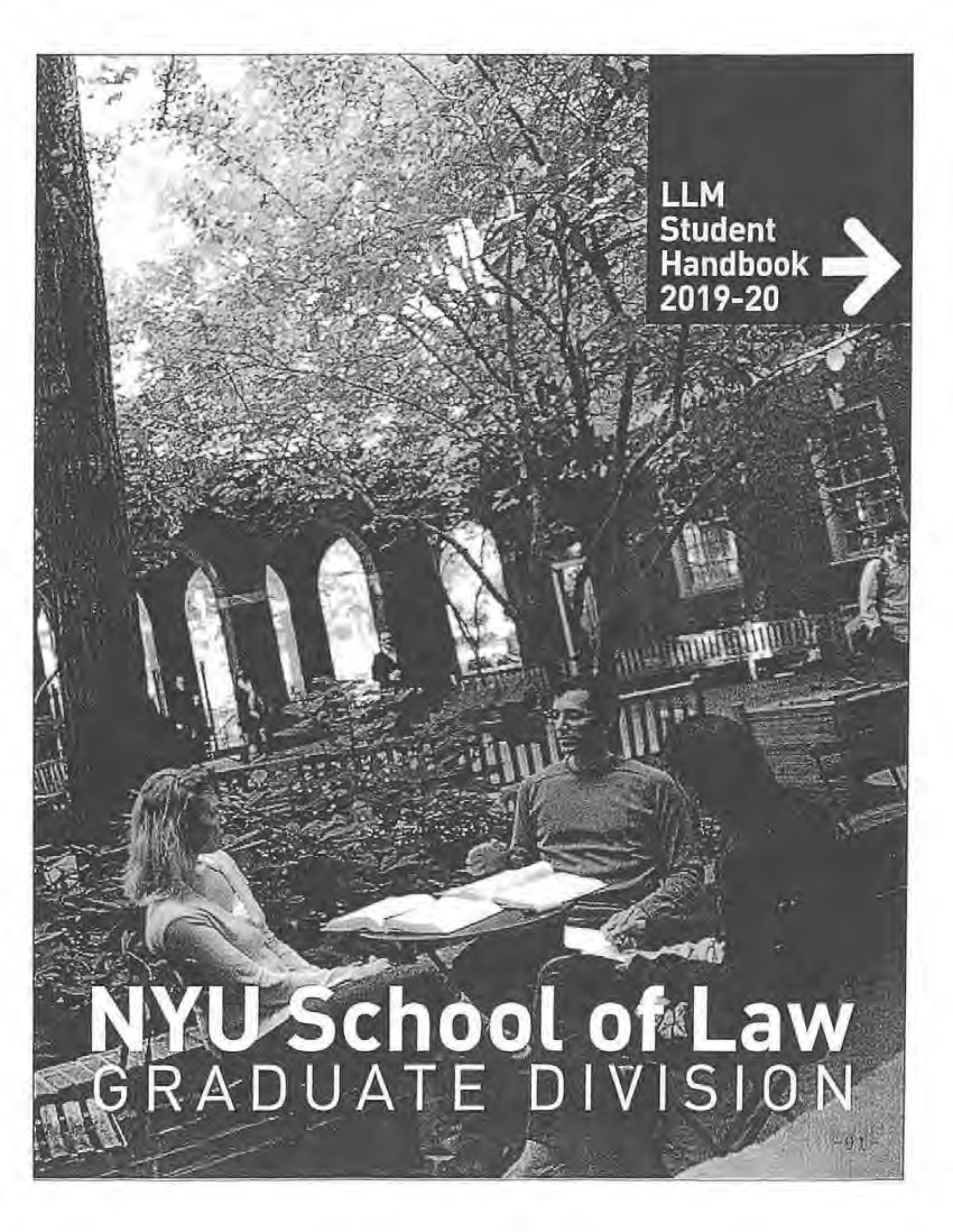
Qualifications for Bar Admission
([/qualifications-for-admission-to-bar](#))

HOUSING IN NEW YORK

NYU is conveniently located in New York; our students can focus on preparing for the exam without the worry of finding temporary housing or spending more cash to fly long-distance to the exam location.

LLM students who live on-campus for the academic year **simply apply to extend their stay** (<http://www.law.nyu.edu/housing/summerhousing/summernyuschooloflawstudentsnyu/>) in Law School housing until shortly after the day of the exam. NYU guarantees these students a place in summer housing provided they meet the priority application deadline and relevant conditions.

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LLM
Student
Handbook
2019-20



NYU School of Law

GRADUATE DIVISION

Skills Competency

After passing all of the elements of the New York Bar Exam, candidates need to demonstrate that they meet the requirements for NY bar admission. We recommend that you pay close attention to the skills competency provision requiring law practice or apprenticeship in a law office in the US or another country prior to admission to the NY bar.

As of August 2018, candidates for admission to the New York bar must show competency to provide legal services in New York State (§520.18 of the Rules of the New York State Court of Appeals for the Admission of Attorneys and Counselors at Law). At this time, to establish competency NYU Law LLM students must use the pathways described in subsections (a)(4) and (a)(5) of the Rule; these pathways allow candidates to establish competence before or after the LLM through legal apprenticeship or legal practice in the US or another jurisdiction.

Character and Fitness and Pro Bono Requirements

Additionally, candidates for New York bar admission must also successfully meet character and fitness requirements and fulfill New York State's pro bono requirement §520.16 requiring 50 hours of pro bono service.

NYU Law Classes that Meet 520.6 Requirements

The requirements can be broken down into two sets:

I. Students must take a minimum of 24 credits in "classroom courses at the law school in substantive and procedural law and professional skills." These 24 credits may include clinical courses and up to 6 credits in certain other courses related to legal training taught at the Stern school or other parts of NYU (§520.6(b)(3)(vii)(b)).

Many LLM students will take more than 24 credits worth of courses that count toward this requirement. To earn the NYU LLM degree, you must carry a load of 24 credits during the fall and spring semesters. In addition, most foreign-trained LLMs are required to take Introduction to US Law (2 credits) and Introduction to US Legal Practice* (1 credit) during the summer (in August). These 3 credits will count toward the 24 credits required by the NY Board of Law Examiners but not towards NYU's 24 credit requirement. It is, however, important to be aware that certain credits that count towards NYU's 24 credits worth of fall and spring courses will not count for purposes of bar eligibility. For instance, credits earned for Directed Research or courses in other parts of NYU in excess of the maximums set out above will not count for the purposes of bar eligibility.

**Formerly entitled Legal Research, Writing and Analysis I*



New York University
A private university in the public service

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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

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.

1. 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 L.L.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 L.L.M. students by the time the Court's rule takes effect for the entering L.L.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(e)(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:

I. *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.

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ST. JOHN'S UNIVERSITY SCHOOL OF LAW

<https://www.stjohns.edu/law/about/assessment>

Assessment

Assessment is a dynamic, faculty-driven process that works to improve student learning. By setting measurable goals of learning, we identify what it is that we hope our students will learn by the conclusion of their education with us. We collect and analyze evidence of their learning, through both formative and summative assessment devices. Finally, and most importantly, we “close the loop” by improving our academic program based on what we have learned. Our efforts to improve bar passage, our success-driven and integrated approach to career development, and our Lawyering and Advanced Practice Writing requirements are examples of the assessment process at work.

On this page, we will document our assessment activities, including reports that demonstrate our compliance with the American Bar Association’s standards on learning outcomes and assessment.

Larry Cunningham

Associate Dean for Assessment and Institutional Effectiveness & Professor of Legal Writing

Student Learning Outcomes

[Introduction to the Learning Outcomes](#)

Overview

Our learning outcomes reflect considerable thought, time, and attention by the faculty of St. John's Law. They include seven outcomes, which may be summarized as: (1) knowledge of the law; (2) legal analysis, reasoning, and problem-solving; (3) factual development and legal research; (4) communication; (5) professional responsibility and ethics; (6) interpersonal skills; and (7) engagement at a scholarly level. These reflect the seven domains that we believe students should demonstrate competency by the conferral of their degree. They include doctrine (#1), lawyering skills of various kinds (#2, 3, 4, 6), values (#5), and scholarship (#7). The performance indicators track each of the learning outcomes and provide specific evidence that a student will have satisfied the outcomes.

While satisfying the ABA's minimal competencies, these learning outcomes also go a step further and reflect our particular goals as a law school. They incorporate the unique mission of the University and Law School in several respects. Learning Outcome #5, for example, looks beyond the rules of professional conduct and asks whether students understand the importance of providing legal services to the underserved and of fulfilling responsibilities to the profession as a whole. A commitment to academic excellence and to seek truth through research—important values of a Catholic university—are reflected in Learning Outcomes #1, 3, and 7. As a Law School set in New York City, we aim to produce graduates who have the skills required for successful participation in a global legal profession. Thus, we emphasize communication (#4) and interpersonal skills (#6), including self-awareness, cross-cultural competency, interviewing, counseling, and negotiation.

We kept the learning outcomes to a manageable number and included only those outcomes that pertain to every student. Subsets of students may have additional learning outcomes, but this list is meant to be a common denominator for all students in the J.D. program. The relevant faculty committees spent considerable time editing the list, often debating individual word choices. In addition, we focused on ensuring that each outcome was stated with sufficient clarity so that it could be measured.

Process

Our action in this area began in earnest during the 2014-15 year, when members of the faculty and administration (specifically, Dean Cunningham, Professor Pepper, and, later, Dean Landrum) became active members of the University's Assessment

Committee, a body established by former Provost Robert A. Mangione, Ed.D., R.Ph., for the purpose of promoting and coordinating assessment activities throughout the University. The Office of the Provost and School of Law jointly sponsored a university-wide assessment workshop in February 2015 conducted by an outside consultant, who also met with the Law School's Strategic Planning Committee, the body charged by the dean with identifying recommendations on an initial assessment process. The Strategic Planning Committee met several times to consider the new standards and made several recommendations to the Dean, including a process for drafting the learning outcomes.

In the 2015-16 academic year, the Law School's Curriculum Committee spent considerable time drafting proposed learning outcomes for the J.D. A subcommittee, consisting of faculty, administrators, and a student, met often to review the ABA standards and to draft outcomes that would be workable and also unique to St. John's and its mission. Input was solicited from the Teaching, Learning, and Assessment Committee, as well as the Dean. Initially, the subcommittee proposed a set of seven learning outcomes. Later, a set of "performance indicators" was added to each learning outcome in order to show the evidence that we would look for in conducting our assessment of each outcome. The full Curriculum Committee met to review the work of its subcommittee and approved the learning outcomes on February 10, 2016. The Faculty Council adopted the proposed learning outcomes, with some revisions, on February 17, 2016.

Learning Outcomes for the J.D. Degree

Upon conferral of the Juris Doctor degree, students will be able to:

1. Demonstrate understanding of substantive and procedural law.
2. Employ legal analysis, reasoning, and problem-solving.
3. Engage in factual development and legal research.
4. Communicate effectively in both written and oral form.
5. Fulfill professional and ethical responsibilities to clients and the legal system.
6. Use interpersonal skills to participate competently and ethically as a member of the legal profession.
7. Engage with legal concepts, policies, and values at a scholarly level.

Performance Indicators for the J.D. Learning Outcomes

LEARNING OUTCOMES Upon conferral of the Juris Doctor degree, students will be able to:	PERFORMANCE INDICATORS Students demonstrate they have achieved outcome by:
1. Demonstrate understanding of substantive and procedural law.	a. Identifying and applying foundational core of civil procedure, constitutional law, contract, criminal law, property, torts, and the manner in which the law, both statutory and judge-made, evolves. b. Identifying and applying concepts of other areas of law, such as administrative law, business organizations, evidence, tax, and trusts and estates. c. Identifying and applying concepts in areas not otherwise required by the Law School curriculum.

LEARNING OUTCOMES

Upon conferral of the Juris Doctor degree, students will be able to:

2. Employ legal analysis, reasoning, and problem-solving.

PERFORMANCE INDICATORS

Students demonstrate they have achieved outcome by:

- a. Identifying relevant legal issues raised by legal problems.
- b. Identifying relevant legal rules applicable each issue, including synthesizing multiple authorities into a cohesive rule.
- c. Identifying legally significant facts applicable each issue.
- d. Applying the relevant legal rules to the legally significant facts and, as necessary, analogizing, distinguishing authorities, and responding to counterarguments.
- e. Drawing appropriate conclusions based on facts, taking into account the clients' interests, goals, and objectives.

LEARNING OUTCOMES

Upon conferral of the Juris Doctor degree, students will be able to:

PERFORMANCE INDICATORS

Students demonstrate they have achieved outcome by:

3. Engage in factual development and legal research.

a. Creating and executing a factual development plan, interviewing, and marshalling facts learned from a factual investigation.

b. Developing a legal research strategy that is efficient and takes into account financial constraints of the client.

c. Locating, analyzing, and synthesizing primary sources relevant to the legal issue at hand.

d. Locating, analyzing, and synthesizing secondary sources relevant to the legal issue at hand.

4. Communicate effectively in both written and oral form.

a. Drafting and editing documents that objectively analyze a legal problem.

b. Drafting and editing documents designed to persuade a reader.

c. Drafting and editing documents that create rights and obligations.

d. In all documents, writing in a clear, concise, and effective manner.

e. In all documents, employing rules of grammar, spelling, and citation.

f. Making persuasive oral arguments or presentations.

<p>LEARNING OUTCOMES</p> <p>Upon conferral of the Juris Doctor degree, students will be able to:</p>	<p>PERFORMANCE INDICATORS</p> <p>Students demonstrate they have achieved outcome by:</p>
<p>5. Fulfill professional and ethical responsibilities to clients and the legal system.</p>	<p>a. Identifying the history, goals, structures, and responsibilities of the legal profession.</p> <p>b. Identifying and applying rules of professional conduct for attorneys.</p> <p>c. Understanding the importance of assisting underserved with their unmet legal needs as feasible, providing at least 50 hours of <i>pro bono</i> service during Law School.</p>
<p>6. Use interpersonal skills to participate competently and ethically as a member of the legal profession.</p>	<p>a. Being aware of one's own strengths and weaknesses as they relate to the legal profession.</p> <p>b. Being aware of cultural differences that may impact representation of one's clients.</p> <p>c. Interviewing clients and witnesses.</p> <p>d. Counseling clients on legal problems.</p> <p>e. Negotiating effectively on behalf of clients.</p>

LEARNING OUTCOMES Upon conferral of the Juris Doctor degree, students will be able to:	PERFORMANCE INDICATORS Students demonstrate they have achieved outcome by:
7. Engage with legal concepts, policies, and values at a scholarly level.	a. Identifying an unresolved issue of law or public policy. b. Researching, locating, digesting, and engaging with scholarship on the topic. c. Communicating an argument on the issue. d. Citing and attributing the words and ideas of others in a proper manner.

Assessment Plan

On April 13, 2016, the Law School Faculty Council adopted an assessment plan for 2016-2023. The purposes of the plan are:

1. To strengthen this Law School's program of legal education by gathering data about student learning, analyzing the data to determine whether students are achieving the identified learning outcomes, and adopting changes to respond to identified problem areas.
2. To articulate an effective, workable, faculty-driven, and efficient process to assess student learning outcomes at an institutional level over a 7-year period (the ABA's sabbatical site visit schedule).
3. To identify the roles of faculty and relevant administrators in conducting institutional assessment.

4. To demonstrate compliance with the ABA's requirement that, by the 2017-18 academic year, every accredited Law School has a publicly available assessment plan.
5. To provide students with a certification that they have the requisite skills and values under "Pathway 1" of 22 N.Y.C.R.R. § 520.18 that the Law School has identified as important to the practice of law.
6. To demonstrate compliance with Standard 14 of the Middle States Commission on Higher Education.

As explained further in the plan document, during each annual cycle, one learning outcome is assessed using a combination of direct and indirect measures. An *ad hoc* assessment team gathers and analyzes data, and proposes recommendations to the Teaching, Learning, and Assessment Committee, which is responsible for coordinating all of our assessment efforts.


The Faculty Council adopted the following timetable for assessment:



Learning Outcome/Year	2016-17	2017-18	2018-19	2019-20	2020-
1. Demonstrate understanding of substantive and procedural law.			Plan	Collect & analyze data, propose follow-up	Follow Up
2. Employ legal analysis, reasoning, and problem-solving.		Plan	Collect & analyze data, propose follow-up	Follow-Up	

Learning Outcome/Year	2016-17	2017-18	2018-19	2019-20	2020-
3. Engage in factual development and legal research.				Plan	Collect & analyze data, propose follow up
4. Communicate effectively in both written and oral form.	Collect & analyze data, propose follow-up	Follow-Up			
5. Fulfill professional and ethical responsibilities to clients and the legal system.					
6. Use interpersonal skills to participate competently and ethically as a member of the legal profession.					Plan

Learning Outcome/Year	2016-17	2017-18	2018-19	2019-20	2020-
7. Engage with legal concepts, policies, and values at a scholarly level.	Plan	Collect & analyze data, propose follow-up	Follow-Up		

Curriculum Map

In Spring 2016, faculty mapped individual courses to the learning outcomes using a  survey distributed by the Dean's Office. As new courses are adopted, this curriculum map will be updated. The curriculum map will be used by the Curriculum Committee and the Teaching, Learning, and Assessment Committee to improve the curriculum and conduct assessment activities, respectively.

-  [Curriculum Map \(Summary\)](#) (last updated: September 16, 2016). If a learning outcome is addressed in a particular course, an "X" appears.
-  [Curriculum Map \(With Level of Competency\)](#) (last updated: September 16, 2016). Faculty were asked to identify the level of competency for each desired learning outcome.
 - "Introduction" means key ideas, concepts, or skills related to the learning outcome are introduced, but it is expected that they will be developed later in a student's course of study.
 - "Competence" means students must demonstrate proficiency in the learning outcome by the end of the course.
 - "Advanced" means students have advanced instruction in and/or additional practice with the knowledge, value, or skill, such that they demonstrate the learning outcome with high level of independence and a level of understanding and sophistication expected of graduates, not students. It is doubtful that a

student will achieve this level of mastery of a subject or skill in a first year course.

Note that for courses with multiple sections, data was averaged. Individual coverage and course goals will vary from professor-to-professor.



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Juris Doctor Academic Policies and Special Programs

Maximum Period of Time for Completion of Requirements for a J.D. Degree

Pursuant to ABA Standard 304(c), the course of study for the J.D. degree must be completed no earlier than 24 months and no later than 84 months after a student has commenced law study at the Law School or a law school from which the school has accepted transfer credit. However, pursuant to Rule 520.3(d)(4) of the New York Court of Appeals, a student who intends to sit for the bar examination in New York must complete the J.D. degree no later than 60 months after he or she has commenced law study at the Law School or at a law school from which St. John's has accepted transfer credit. If a student requests a leave of absence or modification of his or her academic program that would contemplate degree conferral between 60 and 84 months of matriculation, the student will be required to certify, in writing, an understanding that he or she will be ineligible to sit for the New York bar examination unless a waiver from the New York Court of Appeals is obtained.

Requirement to Provide Undergraduate Transcript

Incoming students must provide official transcripts from all previous colleges and universities attended, including a final transcript showing conferral of an undergraduate degree. Official transcripts submitted to the LSAC Credential Assembly Service are sufficient for these purposes. Pursuant to the American Bar Association Standards and Rules of Procedure for Approval of Law Schools, students who do not submit such transcripts by October 15th of their year of enrollment will be withdrawn from the program, unless the Law School, through the Assistant Dean for Students, grants a reasonable extension for extraordinary circumstances where, through no fault of the student, he or she was unable to procure a transcript in time. If such extraordinary circumstances are present, documentation will be placed in the student's file.

Pro Bono Scholars Program

The New York Court of Appeals announced the launch of the Pro Bono Scholars Program in May 2014, which will enable students in their final year of law school to sit for the bar exam in February, rather than July, in exchange for working full-time in a qualified pro bono placement from March through the end of May. Participants will graduate in June and become licensed to practice law shortly thereafter. The character-and-fitness process will be fast-tracked for students in the program. For general information, please see: <http://www.nycourts.gov/attorneys/probonoscholars/index.shtml>.

Eligibility

1. A student's class rank after the third semester (full-time students) or fifth semester (part-time students) must be in the top 60% of the class, which must be maintained through the fourth semester;
2. Students selected for the program may not serve on executive boards of co-curricular activities;
3. Students who, prior to the final semester, will have had more than four credits of clinical or externship coursework are not eligible to participate, although the selection committee has discretion to waive this rule, up to a maximum of eight credits; and
4. Students who have registered for, or completed, a practicum are ineligible to participate in this program.

Application Procedure

Students will apply to our program in the Spring semester of their 2L year (3L year for part-time students). Applicants will be required to complete an application form, which will also require a resume and statement of interest. The committee will review, among other things, students' transcripts and evaluate their ability to pass the New York bar exam under this program. Decisions will be made close in time for co-curricular elections and 3L course registration so that students can make informed choices.

Requirements

Please see the course descriptions for the following courses: Pro Bono Scholars Program Placement I and II, Pro Bono Scholars Program Practice Writing Tutorial, and Pro Bono Scholars Program Seminar.

Credit Hours

Participating SJU students are awarded 14 credits for their PBSP semester, which is the normal credit load in the upper years. There are two placement components (6 and 4 credits). The first is graded pass-fail, while the second is assigned a letter grade by the placement supervisor. A contemporaneous seminar meets once a week, in the evening, and carries 2 credits, graded by the seminar professor. (Alternatively, if there is insufficient enrollment to run the seminar, selected students may complete a 2-credit Directed Research on a poverty law topic.) Finally, there is a practice-writing component in which students build, edit, and revise a portfolio of documents based on their experience; this earns 2 graded credits.

514 hours are required at the placement, which is approximately 43 hours per week exclusive of time in the seminar.

Joint Degrees

The Law School offers four joint degree programs: the J.D./M.B.A. and the J.D./MS in Accounting, both with the Tobin College of Business; the J.D./M.A. in Government and Politics, offered with St. John's College of Liberal Arts and Sciences; and the J.D./M.P.A. in Health Care Administration with LIU Post. Applicants for admission to the joint degree programs must gain admission both to the School of Law and to the relevant graduate program, and must also apply for the joint degree at the Law School. The Associate Academic Dean reviews and approves applications for any joint degree program.

Note: A student who begins the JD prior to starting a joint degree must secure admission to the second degree before entering his or her final year of the JD program. This rule does not apply to the JD/LLM in Bankruptcy.

For the first year, students pursue the curriculum in the School of Law exclusively. During the second and third years, students must have at least a 3.0 GPA in the Law School to pursue the joint degree.

Any student who is accepted to a joint degree program must maintain at least twelve law credits per semester.

For the J.D./M.B.A. program, the Law School will accept toward the J.D. up to 9 credits taken at Tobin. For the J.D./MS program, the Law School will accept toward the J.D. up to 9 Tobin credits. For the J.D./M.P.A. program, the Law School will accept towards the J.D. up to 9 credits from LIU Post. These "crossover" credits transfer to the J.D. on a pass-fail basis and do not count towards the Law School

Courses are offered mainly in the Fall (August - December) and Spring (January - May) semester. A few courses are offered in the summer. LL.M. students must complete 24 Law credits to qualify for graduation.

In the first semester, LL.M. students are required to enroll in two courses designed for the LL.M. program:

- Introduction to the American Legal System (3 credits), and
- Legal Writing (3 credits)

Before the end of the program, students must fulfill the Writing Requirement by producing a research paper with a minimum of 25 pages. The Writing Requirement can be completed as part of a course assignment for which the student also receives a grade or through an Independent Study directed by a member of the College of Law faculty.

LL.M. students are encouraged to enroll in any courses that satisfy their professional and academic interests. For a complete list of courses with descriptions, please review our [Course Descriptions \(http://law.syr.edu/academics/course-descriptions\)](http://law.syr.edu/academics/course-descriptions) and [Course Options by Subject \(http://law.syr.edu/admissions/llm-admissions/curriculum-by-subject-area/\)](http://law.syr.edu/admissions/llm-admissions/curriculum-by-subject-area/). Students seeking to take a bar examination must comply with other requirements. See information on the bar exam described below.

Student Visa Information

Information about the student visa process can be found on the [U.S. Visas \(https://travel.state.gov/content/travel/en/us-visas.html\)](https://travel.state.gov/content/travel/en/us-visas.html) website. Please allow sufficient time to obtain your LL.M. admissions letter and I-20 or DS-2019 student visa document when scheduling your interview with the U.S. Embassy/Consulate. For students who expect to bring a dependent spouse and/or child(ren) to the United States, please also complete and submit Syracuse University's [Dependent Request Form \(http://law.syr.edu/uploads/docs/admissions/Dependent_Request_Form_-_Visa.pdf\)](http://law.syr.edu/uploads/docs/admissions/Dependent_Request_Form_-_Visa.pdf) [PDF].

Bar Exam Information

Foreign-educated LL.M. applicants intending to sit for the New York State Bar Examination must complete the "Foreign Evaluation Form" and submit foreign education documentation to the New York State Board of Law Examiners (BOLE). You are strongly encouraged to submit the "Foreign Evaluation Form" and required documents before matriculation into the Syracuse Law. For more information, visit the BOLE [website \(http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm\)](http://www.nybarexam.org/Foreign/ForeignLegalEducation.htm). The determination of eligibility is made exclusively by the BOLE and it is the responsibility of each candidate to ensure his/her LL.M. academic record complies with the requirements and cure provisions articulated by the BOLE to sit for the exam.

- **ABA Standard 504 Statement:** In addition to a bar examination, there are character, fitness, and other qualifications for admission to the bar in every U.S. jurisdiction. Applicants are encouraged to determine the requirements for any jurisdiction in which they intend to seek admission. Addresses for all relevant agencies are available through the [National Conference of Bar Examiners \(http://www.ncbex.org/\)](http://www.ncbex.org/).
- **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 \(http://www.nycourts.gov/ctapps/news/skills.pdf\)](http://www.nycourts.gov/ctapps/news/skills.pdf) [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 \(https://www.nybarexam.org/Skills/skills.htm\)](https://www.nybarexam.org/Skills/skills.htm).
- **Bar Support at Syracuse Law:** We offer a variety of opportunities to prepare students for the Bar Exam. Students may enroll in the 'bar prep' course: "Foundations for Attorney Licensing," offered in the fall and spring semesters for 2 credits. This course provides an understanding of the bar review and bar exam processes, as well as the skills necessary to be successful in the licensing process. Also, students are encouraged to take advantage of our "Rock the Bar" program, which offers a series of authentic test prep study sessions throughout the academic year.
- **Private Bar-Prep Courses:** During the time between graduation from Syracuse Law and the bar exam, most students enroll in a private 'bar prep' course offered through companies such as [BarBri \(http://llm.barbri.com/products-services/llm-extended-bar-review.html\)](http://llm.barbri.com/products-services/llm-extended-bar-review.html), [Pioneer \(https://www.pioneerbar.com/\)](https://www.pioneerbar.com/), [Kaplan \(http://www.kaptest.com/bar-exam\)](http://www.kaptest.com/bar-exam), [Themis \(https://www.themisbar.com/\)](https://www.themisbar.com/), and others. Note: Syracuse Law does not endorse any company.

Request Additional Information

We know that you probably have a lot of questions about coming to Syracuse University College of Law, and we're dedicated to making sure you have all the information you need. To receive additional information regarding the LL.M. program, complete our [prospective inquiry form \(https://faq.lsaac.org/prospect.aspx?data=MjqyM0xCAQEvNQ%3d%3d-fAwKim0%2f2c4%3d\)](https://faq.lsaac.org/prospect.aspx?data=MjqyM0xCAQEvNQ%3d%3d-fAwKim0%2f2c4%3d) today.

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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.

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](#).

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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 LL 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.