

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

Pathway One Plan

In December of 2015, the New York Court of Appeals adopted [Rule 520.18](#), which modifies the requirements for admission to the New York Bar by creating a Skills Competency Requirement.¹ The requirement, which is applicable to all students who begin their J.D. studies in August of 2016 or thereafter, establishes five pathways by which law students can qualify for admission to the New York Bar.

We anticipate that virtually all of our J.D. students who apply for admission to the New York Bar will be certified for admission through Pathway 1, which requires each school to identify and incorporate into its curriculum the “skills and professional values” necessary for its graduates’ “basic competence and ethical participation in the legal profession,” consistent with [ABA Standard 302\(b\), \(c\), and \(d\)](#). In this memorandum, we identify those skills and professional values and explain how we have incorporated them into our curriculum.

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We train our students to understand the substantive, procedural, and institutional elements of the law; to have strong legal research, analytical, and problem-solving skills; to communicate effectively, both orally and in writing; to appreciate the social dimensions of legal practice; to exercise sound and ethical professional judgment; and to develop all of the other important professional skills needed to be exceptional lawyers. We rely on our required 1L curriculum to assure that all of our students develop a firm foundation along each of these dimensions; this work is then reinforced and extended through our upper-class offerings, both required and elective.

The first-year required curriculum includes Civil Procedure, Contracts, Criminal Law, Introduction to Constitutional Law, Torts, Legal Practice Skills, and Legal Practice: Writing & Analysis. Through these courses, students are educated about the foundations of substantive U.S. law, the procedural contexts in which legal disputes arise and are resolved, and the institutional structures through which the law is created, applied, and changed. Our students also receive sustained

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

instruction—through the Legal Practice Program and otherwise—in legal writing, research, oral advocacy, and other basic lawyering skills. In our Legal Practice courses, in particular, students perform a number of written exercises—including drafting memoranda and briefs for pretrial and trial motions—and they receive extensive feedback on these assignments from faculty. They also have multiple opportunities to develop and hone their skills as oral advocates.

Our students are required to earn a minimum of 2 additional credits (above and beyond those earned through Legal Practice) in an experiential learning course, to be taken during the second or third year. The range of experiential learning courses includes more than 15 clinical offerings, approximately 40 practice simulation courses, and 6 problem-solving courses. These offerings vary widely in topic and format, but in all of them, students develop analytical and problem-solving skills, and in many of them (particularly the clinical courses), students engage in legal research and writing work, as well as oral advocacy. Through these and other courses, our students receive instruction in interviewing and counseling clients, assessing and investigating facts, crafting client letters and other professional communications, developing persuasive arguments and zealously advocating for clients both in writing and through oral arguments, conducting negotiations in a transactional setting, and drafting agreements to memorialize the results of negotiations.

Every student is also required to complete at least one upper-class course (of 2 or more credits) with a rigorous writing component. In many instances, the work product required is an extensive research paper on a legal topic. In other cases, students draft briefs and other legal documents, perform transactional drafting exercises, or write a series of reflection or reaction papers.

Our students must also fulfill distribution requirements in statutory or regulatory law and international or comparative law. These courses, together with the rest of our upper-class doctrinal elective offerings, help produce graduates who have a deep and broad understanding of what law is and how it operates in this country and the world.

Our curriculum also includes a wide range of courses that focus on social issues that lawyers must understand in order to be effective practitioners. These include the dynamics of race, sex, sexual orientation, and other categories of identity, as well as matters of social, political, and economic inequality.

Finally, our students have myriad opportunities to learn and develop skills related to the exercise of ethical professional judgment. Throughout the first-year Legal Practice course, students are reminded repeatedly that professional and ethical obligations affect the choices they make when representing clients. And before graduation, each student is required to fulfill a professional responsibility requirement by taking a class that demands engagement with legal ethics rules and considerations. All students seeking eligibility to join the New York bar must take one of several classes focused on professional responsibility that have been pre-approved by the New York Court of Appeals. Those classes include [Legal Ethics & Professional Responsibility](#); [Corporate Lawyer: Law & Ethics](#); [Public Interest Litigation Ethics](#); and [Model Rules and Beyond](#). Beyond those offerings, a large number of students enroll in one or more of the Law School's clinical offerings, in which students regularly engage with issues involving professional responsibility and legal ethics with supervision and instruction from clinical professors who are licensed attorneys.