

Getting Admitted to the New York State Bar (2013)

It is a condition of continued employment at the Law Department that you submit your bar admission application within **two weeks** of being notified that you passed the bar examination. Based on recent history, the results will come out in early November. If you are not able to complete your paperwork on time you must submit a written explanation to the Managing Attorney with a copy to the Director of Legal Recruitment. You should provide an update on your status every four weeks thereafter until you are admitted.

Where to Find the Application For New York State Bar Admission:

You should refer to the Board of Law Examiners website to find instructions for admission to the New York State Bar. Most recently, this has been available at:

<http://www.nybarexam.org/Admission/AdmissionMultiDeptPacket.htm>.

Why the Rush?

As you know, it is illegal to practice law without a license. We are permitted to send you to court under "practice orders" issued by the First and Second Departments of the Appellate Division. In return for this privilege, we have promised the Appellate Divisions that you will get admitted as quickly as possible. The office must report twice each year to the Appellate Divisions about your bar admission status. We want to state in our December 15th report that all of your applications have been submitted. We want to state in our July 1st report that all of you have been admitted.

Also, your first anniversary salary increase depends on your getting admitted and submitting to personnel an original certificate of good standing from the Appellate Division.

Note that the process takes longer than you think. Really. Much longer. If you've changed your name, if you want to be sworn-in in the City even though you took the exam in the Third Department, if you can't find one of your past employers, if one of your affidavits is rejected, if you can't find your arrest records in three different States, if you have to pay off \$1,000 worth of parking tickets, the process will take longer than you would think. And even if none of these things apply to you, this will take longer than you think.

Things you can do before you get your results back

Name changes and Appellate Division changes. Just because you took the exam in Albany doesn't mean you have to go back for the character and fitness interview and the swearing-in. Even if you currently live out-of-state, you should be able to get admitted in the First or Second Department based on your work address. There's a section in the Admission instructions on changing your address either before or after the bar results are certified to the Appellate Divisions.

Do I have to wait for my Results to file my Application?

Not if you are applying in the Second, Third or Fourth Departments. In the First Department, you must wait until you receive your results.

Completed Applications:

A completed application packet includes your written questionnaire as well as character affidavits and affidavits completed by past legal employers. You must submit the character and employment affidavits with your written questionnaire to the Character and Fitness committee. Waiting for the completed affidavits usually holds people back from being able to submit their paperwork. Therefore, you should request that prior employers and character references complete the affidavits prior to the release of the bar results. If you are having a problem getting an affidavit (e.g., a former legal employer no longer exists) keep a record of your efforts to obtain the affidavit, in case you have to apply without it. But note that in the Second Department (see below), character references can get stale if you get them too early.

You should also review your character affidavits and employment affidavits as soon as you get them. There's always a chance that the person filling out the affidavit might have made a mistake and you want to give yourself plenty of time to redo the affidavit if necessary.

Special Rules for the Second Department:

The Second Department has special rules which are not easy to find. First, there is an orientation course that you have to sign up for and take. The dates for these courses fill up early so you should sign up for the orientation program as soon as you get your bar results back. **You do not need to submit your papers first.** For more information see: <http://www.courts.state.ny.us/courts/ad2/orientation.shtml>.

Also, only in the Second Department, you must pay your bar registration fee to the Office of Court Administration prior to submitting your application. You must also attach a certificate stating that you have paid the fee to your admission papers. See: <http://www.courts.state.ny.us/courts/ad2/pdf/How%20to%20Apply%20for%20Admission%20on%20Examination.pdf>.

The Second Department also has special rules about the timeliness of your affidavits. Affidavits from your current employer (us) and affidavits of moral character must be dated no more than 60 days before you submit your admission papers. For more information see: <http://www.courts.state.ny.us/courts/ad2/pdf/Supplemental%20Instructions.pdf>.

Law Department Employment Affidavits:

Any affidavits that you need to be completed by the Law Department should be sent to your division's representative in Personnel. This will probably be the person who processed you, but the division reps change from time to time. When you submit your affidavit requests to Personnel, let the rep know who your current supervisor is. If you previously worked here in any capacity (paid or unpaid), please tell your rep who your supervisor was and the approximate dates of your prior employment. For those who were in the summer program, your supervisor would be your division/unit summer coordinator. If you don't remember who that person is or that person has left the Law Department, you can use your division, unit or borough chief. Also, let Personnel know which Appellate Division you are seeking admission in.

When completed, Personnel will send the forms to the most recent address they have for you. If you've moved since you started, make sure they have your current address.

Expediting Letters:

For those of you are paid employees of the Law Department or who are likely to be volunteering for more than six months, you should attach to your completed bar application a letter from our Managing Attorney requesting expedited consideration of the application. This letter should go on the top of the application. If it is buried in the middle, the court won't find it. You should ask for this letter only when all your other paperwork is ready. Please contact Blanca Ponce to request this letter and let her know which Appellate Division you are applying to. For those of you volunteering fewer than six months, the Appellate Divisions get annoyed if they review your application early in reliance upon the expediting letter and then find out that you've left the office. Whether you should ask for the expediting letter will depend on your plans at the moment that you are ready to submit your papers.

What to call yourself in your applications:

The Second Department found fault last year with several applicants from this office because they referred to themselves as Assistant Corporation Counsels in their applications. Even though this is your official civil service title, you should avoid using any word such as "attorney," "lawyer," or "counsel" in describing your current work here. For paid employees, you can use "law clerk" in your applications. For volunteers, use "post-graduate fellow" or "volunteer."

Problems?

If you are having problems getting admitted, please let Stuart Smith and your supervisor know. If you have told us that you have submitted your papers and they are returned because of some flaw, you must tell us. If you have told us you are going to be sworn-in on a certain date, and that does not happen for whatever reason, you must tell us.

Bar Registration Reimbursement

Unfortunately, the Law Department does not reimburse for bar or admission-related expenses. (If you find this annoying, I'm happy to give you the bureaucratic reason for this.) While we do not reimburse the initial \$375 bar registration fee, we do reimburse subsequent registration renewal fees every two years. To be reimbursed, you must re-register on time and you must submit proof of payment to payroll.

Timekeeping for Bar Admission Requirements

Anything that you need to do during office hours for New York State bar admission (or admission to the Southern or Eastern District) counts as work time. This includes the character and fitness interview and the orientation course. For time-keeping purposes, treat these like any other court appearance. For the swearing-in ceremony, you get a 1/2 day of "excused absence" for a First or Second Department Admission and a full-day for the Third or Fourth Department. This is set forth in the Office Manual. On the other hand, for any missed work time related to admission to another State's bar, you do need to take annual leave.

If you have any questions or you have updated information that you would like to share with your colleagues, please let me know.

Stuart Smith

Addendum

For those of you who are job hunting, here are some guidelines for how to describe your bar status on your resume from a Fordham Law School blog:

"Bar Admission: New York (2000)"

This statement means that you have passed the bar examination, passed the character and fitness evaluation, been sworn in, and you are in good standing. Do not state that you are admitted unless all of these things are true.

"Bar Admission: New York (pending)"

"Pending" in bar admission speak does *not* mean that you intend to sit for the bar examination or that you are registered for the bar examination, or even that you have taken the bar examination and are awaiting results. The terminology you should use is as follows:

- "Bar Admission: New York (passed July 2011 bar examination)" You have passed the bar examination but have not submitted your application for admission.
- "Bar Admission: New York (application pending)" You have submitted your application but have not yet been approved by the Character and Fitness Committee.
- "Bar Admission: New York (admission pending)" You have passed the Character and Fitness evaluation but have not yet been sworn in.

NOTE: An earlier version of this post did not make these distinctions clearly enough, so I have edited the article to clarify the differences among these three stages of bar admission.

"Bar Admission: Sitting for July 2012 New York State Bar Examination"

"Bar Admission: Sat for February 2012 New York State Bar Examination (awaiting results)"

Instead of "pending," you should use one of these statements to describe your status before you have passed the bar examination.