

# MINNESOTA STATE BOARD OF LAW EXAMINERS LEGAL EDUCATION COMMITTEE


PUBLIC MEETING

MARCH 16, 2010

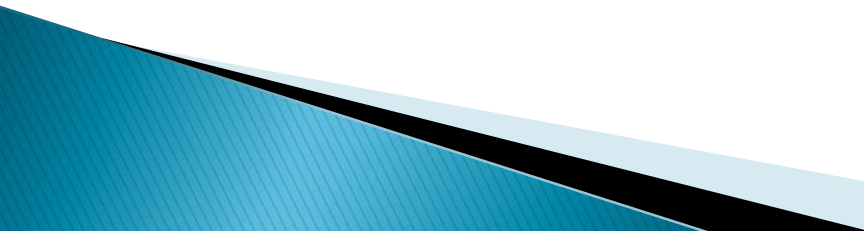
Diane F. Bosse, Chair

John J. McAlary, Executive Director  
New York State Board of Law Examiners

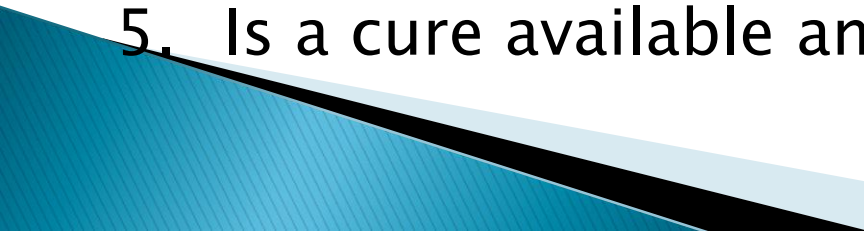
# ROUTES TO ELIGIBILITY TO SIT FOR THE NY BAR EXAM

- JD degree from an ABA–approved law school.
  - One year of successful study at an ABA–approved law school + three year law office study.
  - JD degree from an unapproved law school in the US + practice for five of seven years immediately preceding application.
  - Foreign law school study.
  - Discretionary waiver where strict compliance will cause undue hardship.
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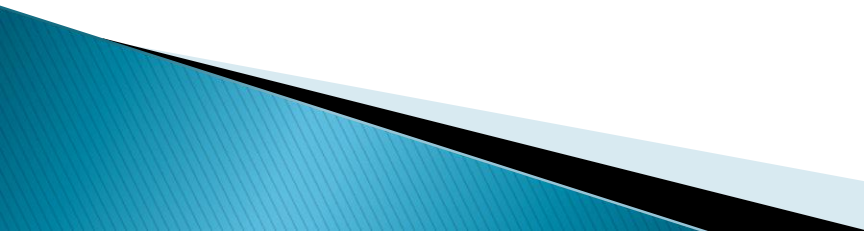
# ROUTES TO ELIGIBILITY BASED ON FOREIGN LEGAL EDUCATION

- Common law education that is substantially equivalent in duration and substance to an ABA-approved law school program, without further study.
  - Non-common law education, durationally *or* substantively equivalent to ABA-approved law school program, with a 20 hour program, including basic courses in American law, at an ABA law school in the US.
  - Common law country admitted lawyer with durational equivalence but substantive deficiency, with a 20 hour program, including basic courses in American law, at an ABA law school in the US.
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# DETERMINING ELIGIBILITY

1. Does the applicant have a qualifying degree?
  2. Is the degree from an accredited institution?
  3. Was the education provided the substantial equivalent of the legal education provided by an ABA-approved law school?
  4. Was the period of law study completed by the applicant substantially equivalent in duration to that of an ABA-approved law school?
  5. Is a cure available and appropriately completed?
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# THE NEW YORK EXPERIENCE

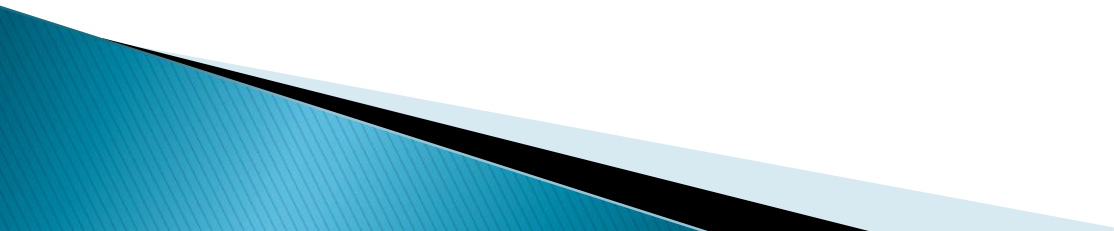
- In 1997, New York tested 1701 foreign-educated candidates, 15% of our candidate pool.
  - In 2009, New York tested 4526 foreign-educated candidates, 30% of our candidate pool.
  - Between 1997 and 2008, the number of ABA grads tested increased by 10%. The number of foreign educated candidates increased by 255%.
  - In February 2009, New York tested 3570 candidates. 44% of them were foreign-educated. 41% of the 4040 candidates tested in February 2010 were foreign-educated.
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# FEEDER COUNTRIES

- In 2009, the foreign-educated candidates tested in New York came from every continent and from over 100 different countries.
- More than 100 applicants each from:

COUNTRY	NUMBER	COUNTRY	NUMBER
CHINA	426	FRANCE	204
UK	417	TAIWAN	181
JAPAN	266	INDIA	139
KOREA	212	IRELAND	135
CANADA	207	NIGERIA	116

# FOREIGN DEGREE ONLY VS LLM

- 2003–09, 26,333 foreign–educated takers (including first time and repeat takers).
  - Approximately 18,000 (68%) were candidates with LLM; approximately 8,300 (32%) were foreign degree only.
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# PASSING RATES FOR FOREIGN-EDUCATED CANDIDATES BY COUNTRY

Passing rates in 2009 of candidates from countries with more than 100 candidates:  
(compare all ABA grads passing rate 78.2%)

COUNTRY	PASSING RATE	COUNTRY	PASSING RATE
CANADA	67.1%	UK	32.4%
CHINA	48.6%	INDIA	31.7%
FRANCE	40.2%	KOREA	27.8%
IRELAND	37.8%	TAIWAN	22.1%
JAPAN	34.2%	NIGERIA	12.9%

# PASSING RATES

## FOREIGN DEGREE ONLY VS FOREIGN DEGREE +LLM

YEAR	Foreign degree only 1 <sup>st</sup> time taker	Foreign degree + LLM 1 <sup>st</sup> time taker	Foreign degree only all takers	Foreign degree + LLM all takers
2004	49%	45%	36%	39%
2005	50%	41%	36%	32%
2006	48%	41%	36%	33%
2007	50%	41%	38%	32%
2008	56%	50%	44%	42%
2009	49%	42%	37%	32%

# CONTRAST: ABA GRADUATES

YEAR	ABA FIRST TIME	FOREIGN FIRST TIME	ALL ABA	ALL FOREIGN
2004	81.4%	46.6%	70.1%	38.0%
2005	81.7%	43.5%	71.9%	33.5%
2006	85.4%	43.4%	73.9%	34.0%
2007	85.6%	43.5%	76.0%	34.2%
2008	89.0%	52.3%	79.8%	42.2%
2009	86.4%	44.1%	78.2%	33.9%