

## NEW YORK STATE BOARD OF LAW EXAMINERS

### Rules of the State Board of Law Examiners [22 NYCRR 6000] Effective December 1, 2023

#### 6000.1 Board office

(a) Correspondence Address. All correspondence or other written communications to the New York State Board of Law Examiners (hereinafter the "Board") or the administrative officers of the Board shall be addressed to the Board's office at New York State Board of Law Examiners, Building 3, Corporate Plaza, 254 Washington Avenue Extension, Albany, NY, 12203-5195.

(b) Website. The Board maintains a website at [www.nybarexam.org](http://www.nybarexam.org).

#### 6000.2 Admission Upon Examination

(a) The New York State Bar Examination consists of the Uniform Bar Examination, developed by the National Conference of Bar Examiners.

(b) As used in these Rules, "UBE" refers to the Uniform Bar Examination, as described in Section 6000.3(a); "NYLC" refers to the New York Law Course, as described in Section 6000.3(b); "NYLE" refers to the New York Law Examination, as described in Section 6000.3(c); and "MPRE" refers to the Multistate Professional Responsibility Examination, as described in Section 6000.3(d).

(c) Applicants for admission upon examination may take the UBE in New York in accordance with Section 6000.4 or, effective October 1, 2016, may transfer a score achieved on the UBE taken in another jurisdiction to New York, in accordance with Section 6000.5.

(d) Except as provided in subsection (e), applicants seeking admission upon examination are required to successfully complete the NYLC and achieve passing scores on the UBE, NYLE and MPRE prior to being certified to the Appellate Division for admission.

(e) Applicants who seek admission upon examination based on passage of the New York State Bar Examination administered prior to July 2016 are not required to complete the NYLC or pass the NYLE.

#### 6000.3 Examinations and Other Requirements

(a) The Uniform Bar Examination (UBE)

(1) Content. The UBE consists of two Multistate Performance Tests (MPT), the Multistate Essay Examination (MEE), and the Multistate Bar Examination (MBE). Information regarding the UBE is available on the website of the National Conference of Bar Examiners at [www.ncbex.org](http://www.ncbex.org).

(2) Passing Score. The score required to pass the UBE in New York is 266.

(3) Examination Dates. The UBE shall be administered twice each year, on the last Tuesday and Wednesday of February and July.

(4) Earning a UBE Score. Applicants must take all parts of the UBE concurrently in the same jurisdiction, either in New York or in another jurisdiction, in order to receive a UBE score that can be transferred to another jurisdiction.

(5) Time to File Application for Admission. Applicants for admission upon examination must file a complete application for admission to practice with the Appellate Division by the deadline set forth in Court of Appeals Rule 520.12(d).

(b) New York Law Course (NYLC)

(1) Content. The NYLC consists of videotaped lectures with embedded questions on New York law, as detailed in the Course Materials maintained on the Board's website.

(2) Method of Delivery. The NYLC shall be offered online and be made available on demand.

(3) Timing. Applicants for admission upon examination may complete the NYLC up to one year before or any time after the date on which the applicant first sits for the UBE, subject to the application filing deadline as described in subsection (a)(5). Applicants for Admission Upon Examination must successfully complete all segments of the NYLC as a precondition to taking the NYLE.

(c) New York Law Examination (NYLE)

(1) Content. The NYLE consists of 50 multiple choice questions developed by the Board testing New York law, as detailed in the Course Materials maintained on the Board's website.

(2) Method of Delivery. The NYLE shall be a two-hour open-book test offered online.

(3) Examination Dates. The NYLE shall be administered at least three times each year at dates and times to be determined by the Board and announced annually by the Board on its website.

(4) Passing Score. The score required to pass the NYLE is 30. An applicant who fails to achieve the required passing score may re-take the NYLE without limitation, but must repeat the NYLC each time before re-taking the NYLE.

(5) Timing. Provided the NYLC has been successfully completed, an applicant for admission upon examination may take the NYLE up to one year before or any time after the date on which the applicant first sits for the UBE, subject to the application filing deadline as described in subsection (a)(5).

(6) Expiration of NYLE Passing Score. A passing score on the NYLE is valid for three years from the date the applicant received the passing score. If the applicant's NYLE passing score expires prior to the time the Board certifies the applicant to the Appellate Division pursuant to Court of Appeals Rule 520.7, the applicant must retake both the NYLC and the NYLE.

(d) Multistate Professional Responsibility Examination

(1) Passing Score. The score required to pass the MPRE in New York is 85.

(2) Timing. An applicant may take the MPRE examination prior to or subsequent to the UBE, subject to the application filing period as described in subsection (a)(5).

(3) Expiration of MPRE Passing Score. A passing score on the MPRE is valid for four years from the date the applicant sat for that MPRE. If the applicant's passing score expires prior to the time the Board certifies the applicant to the Appellate Division pursuant to Court of Appeals Rule 520.7, the applicant must retake and pass the MPRE.

**6000.4 Application to Sit for the New York State Bar Examination (UBE) and Proof Required of Applicants**

(a) First-time Application to Sit for the New York State Bar Examination. Each applicant seeking to sit for the New York State Bar Examination for the first time shall file an application on a form provided by the Board and shall pay the fee prescribed by Section 465 of the Judiciary Law during the application filing period. For purposes of this Section, an application is considered filed when it is filed electronically online at the Board's website together with the prescribed fee during the following application filing period:

<b>EXAMINATION</b>	<b>EARLIEST FILING DATE</b>	<b>FILING DEADLINE</b>
February	October 1	October 31
July	March 1	March 31

(1) Proof of eligibility. Each first-time applicant shall cause to be filed proof of eligibility to sit for the New York State Bar Examination by demonstrating compliance with the requirements of Court of Appeals Rule 520.3, 520.4, 520.5, or 520.6 and, where applicable, Court of Appeals Rule 520.17. Such proof shall be in the form prescribed by the Board. For purposes of this subsection, proof of eligibility is considered filed when it is received in the Board's office by the following deadline:

<b>EXAMINATION</b>	<b>DEADLINE FOR PROOF OF ELIGIBILITY</b>
February	January 15
July	June 15

(2) Pro Bono Scholars Program. In addition to any other proofs required in these Rules, each applicant participating in the Pro Bono Scholars Program (PBSP), in accordance with Court of Appeals Rule 520.17, shall cause to be filed with the Board proof that the applicant has successfully completed the PBSP and been awarded a first degree in law on a form provided by the Board as soon as practicable following completion of the program.

(b) Application for Re-Examination. An applicant who failed the immediately preceding administration of the New York State Bar Examination shall file an application for re-examination on a form provided by the Board and shall pay the fee prescribed by Section 465 of the Judiciary Law by the later of (i) the

application filing deadline set forth in subsection (a) or (ii) the 7th day following the date of the Board's release of the examination results. All other applicants for re-examination shall file the application for re-examination and pay the required fee in the manner and during the application filing period set forth in subsection (a).

(c) Residence and Employment Addresses. The application shall specify the address in or outside the State where the applicant resides and, if the applicant resides outside the State, the place in the State, if any, where the applicant is employed full time.

(d) Additional proofs. The Board in its discretion may order additional proofs to be filed, and may require an applicant to appear in person before it, or a member thereof or the Executive Director, Deputy Executive Director or counsel, and be examined concerning the applicant's qualifications to sit for the examination.

#### **6000.5 Application for Determination of Eligibility for Admission Upon Examination by Transferred UBE Score and Proof Required of Applicants**

(a) Applicability. Effective October 1, 2016, an applicant who took the UBE in a jurisdiction other than New York may apply to the Board for a determination of eligibility for admission to practice by examination based on the transfer of the applicant's UBE score to New York in lieu of taking the UBE in New York.

(b) Application. Each applicant seeking to transfer a UBE score to New York shall file an application for a determination of eligibility for admission to practice by examination on a form provided by the Board and shall pay the fee prescribed for admission by examination by Section 465 of the Judiciary Law. For purposes of this subsection, an application is considered filed when it is filed electronically online at the Board's website together with the prescribed fee. A complete application must include the following:

(1) Proof of eligibility. Demonstration of compliance with the requirements of Court of Appeals Rule 520.3, 520.4, 520.5, or 520.6 and, where applicable, Court of Appeals Rule 520.17, the proof of compliance to be in the form prescribed by the Board.

(2) Proof of a Passing UBE Score. Proof of having achieved a score on the UBE in another jurisdiction that is equal to or greater than 266, such proof to be in the form of an official score transcript from the National Conference of Bar Examiners.

(3) Residence and Employment Addresses. The address in or outside the State where the applicant resides and, if the applicant resides outside the State, the place in the State, if any, where the applicant is employed full time.

(c) Time to File. Pursuant to Court of Appeals Rule 520.12(d)(1), an applicant for admission upon examination by transferred UBE score is required to file a complete application for admission to the Appellate Division within three years from the date when the applicant sits for the second day of the UBE. To permit the timely processing of an application for determination of eligibility for admission upon examination by transferred UBE score, the application and the requisite proof enumerated in subsection (b) of this part, should be filed with the Board at least 30 days prior to the expiration of the time to file a complete application for admission with the Appellate Division.

(d) Additional proofs. The Board in its discretion may order additional proofs to be filed, and may require an applicant to appear in person before it, or a member thereof or the Executive Director, Deputy Executive Director or counsel, and be examined concerning the applicant's eligibility for admission by transferred UBE score.

(e) Pro Bono Scholars Program. In addition to any other proofs required in these Rules, each applicant participating in the Pro Bono Scholars Program (PBSP), in accordance with Court of Appeals Rule 520.17, shall cause to be filed with the Board proof that the applicant has successfully completed the PBSP and been awarded a first degree in law on a form provided by the Board.

#### **6000.6 Registration for New York Law Course (NYLC) and New York Law Examination (NYLE)**

(a) NYLC. An applicant seeking to take the NYLC must register electronically online at the Board's website.

(b) NYLE. An applicant must successfully complete all segments of the NYLC before the applicant may register for the NYLE. An applicant seeking to register for the NYLE must register electronically online at the Board's website at least 30 days prior to the administration of the NYLE. The applicant must also register with and pay a registration fee to the vendor selected by the Board to administer the NYLE and timely comply with all filing requirements and deadlines set by the vendor.

#### **6000.7 Test Accommodations for Applicants with Disabilities**

(a) Purpose. The bar examination is intended to test qualified applicants for knowledge and skills relevant to the practice of law. In accordance with the Americans with Disabilities Act of 1990 as amended (42 U.S.C.S. § 12101 et seq.) (ADA) and applicable regulations and case law, it is the policy of the Board to provide accommodations in testing conditions to applicants with disabilities who are qualified candidates for the bar examination and the NYLE, to the extent such accommodations are timely requested, reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and necessitated by the applicant's disability.

(b) Definitions. For purposes of this Section:

(1) The term "disability" shall mean a disability as that term is defined under the ADA, applicable regulations and case law.

(2) The term "qualified professional" as used in the Board's guidelines for requesting test accommodations shall mean a licensed physician, psychologist, psychiatrist or other health care provider who has comprehensive training in the field related to the applicant's disability and who conducted an individualized assessment of the applicant in accordance with the applicable professional standards.

(c) Application Process

(1) Application Materials. The application materials and Board guidelines for requesting test accommodations shall be available on the Board's website. Applicants who have not previously been awarded test accommodations by the Board must submit an application for test accommodations, together with all supporting documentation, by the deadline as set forth herein. Applicants who have previously been awarded test accommodations by the Board must submit a re-application for test

accommodations, together with any supporting documentation, by the deadline as set forth herein. Faxed or emailed copies of a paper application or re-application for test accommodations will not be accepted.

## (2) Filing Deadline

(i) New York State Bar Examination (UBE). Applications and re-applications for test accommodations for an administration of the New York State Bar Examination, together with all required supporting documentation, shall be received by the Board within six months prior to the date of the examination for which accommodations are requested but no later than March 31 for the subsequent July administration, and no later than October 31 for the subsequent February administration. An applicant who receives a failing score on the immediately preceding administration of the New York bar examination must file the application/re-application for test accommodations in accordance with the deadline set forth in Section 6000.4(b). No request for testing accommodations that is received by the Board after the designated deadline will be accepted. No extensions will be granted for accommodation requests, and no late requests will be considered.

(ii) NYLE. Applications and re-applications for test accommodations for an administration of the NYLE, together with all required supporting documentation, shall be received by the Board within six months prior to the date of the examination for which accommodations are requested and at least 90 days prior to the date of the administration of the NYLE for which test accommodations are requested. If, however, the re-application is seeking the same test accommodations as previously awarded by the Board for a prior administration of either the New York State Bar Examination or the NYLE with no additional or different accommodations, then the re-application must be received by the Board at least 30 days prior to the date of the administration of the NYLE for which the test accommodations are requested. No request for testing accommodations that is received by the Board after the designated deadline will be accepted. No extensions will be granted for accommodation requests, and no late requests will be considered.

(3) Incomplete and Untimely Applications. Applications which are incomplete or not timely filed shall be rejected.

(4) Medical Documentation. All applications must be supported by medical documentation in accordance with the Board's guidelines.

(5) Independent Evaluations. The Board reserves the right to have an application, together with all supporting documentation, evaluated by an expert retained by the Board. The Board may, in its discretion, require the applicant to provide additional information and documentation and may also require the applicant to submit to examination by an expert retained by the Board.

(d) Determinations. The Board shall act upon all applications which are complete, timely and submitted in full compliance with the foregoing provisions of this Section, and shall notify the applicant of its determination no later than twenty (20) days prior to the date of the examination for which such accommodations are requested. If the application is denied in whole or in part, the Board's notification shall state the reason(s) for such denial.

(e) Appeals. Any applicant whose application is denied in whole or in part may appeal the determination by filing a verified petition responding to the Board's stated reason(s) for denial. The petition must

attest to the truth and accuracy of the statements made therein, be made under penalty of perjury and be notarized. The petition may be supported by a report from the applicant's examiner clarifying facts and identifying documentation, if any, which the Board allegedly overlooked or misapprehended. The appeal may not present any new diagnosis or disability that was not identified in the applicant's application. Original signed and notarized appeals must be received at the Board's office no later than 14 days from the date of the Board's determination. The Board shall decide such appeal and shall notify the applicant of its decision prior to the date of the examination for which the accommodations were requested.

(f) Delegation. The Board may, in its discretion, delegate to any of its members, or to its Executive Director, Deputy Executive Director or counsel, all or any part of its duties and responsibilities under the foregoing provisions of this Section, other than its responsibilities under subsection (e) in connection with appeals.

### **6000.8 Assignment and Certification of Applicants**

(a) Each applicant admitted to a February or July bar examination shall be assigned to a test center in one of the four judicial departments located in the State based upon available test centers for that examination. The Board will maintain at least one test center in each of the four judicial departments located in the State.

(b) Certification to Appellate Division for Admission to Practice. Every applicant who successfully completes the New York Law Course and passes the New York Law Examination, the Multistate Professional Responsibility Examination, and the Uniform Bar Examination, either in New York or in another jurisdiction, and who in other respects, complies with the Rules of the Board and the Rules of the Court of Appeals, will be certified to the Appellate Division for the judicial department in which the applicant resides, or, if not a resident of the State, in which the applicant is employed full-time. If the applicant neither resides nor is employed full-time in the State, the applicant will be certified to the appellate division for the third department. Changes in addresses must be reported to the Board. For applicants sitting for the UBE in New York, the address used for certification shall be the address on file in the Board's office as of April 1 following a February examination and as of October 1 following a July examination. For applicants seeking admission upon examination by transferred UBE score, the address used for certification shall be the address set forth in the application for a determination of eligibility for admission.

### **6000.9 Attendance and Withdrawal**

(a) Attendance

(1) Applicants to be Graded. Any applicant who takes the MPT and MEE sessions but does not appear for the MBE will be deemed to have withdrawn from the examination, will not receive examination results and their application fee will be forfeited. Any applicant who takes any part of the MBE will be graded and will be awarded a UBE score.

(2) Early Departure. Except in extraordinary circumstances, applicants must remain in the examination room for the first 30 minutes of each session of the examination.

(3) Tardiness. No applicant will be admitted to the bar examination more than 30 minutes after the examination session begins.

(4) Absence. An applicant who fails to appear for one session of the examination shall not be admitted to any later session. Any applicant who is not present for both sessions of the first day of the examination will not be permitted to take the MBE in New York on the following day.

(b) Withdrawal from the Examination/Failure to Appear

(1) An applicant who will not appear for an examination shall notify the Board of the withdrawal prior to the examination either in writing or by using the withdrawal link provided by the Board on its website.

(2) An applicant will be deemed to have withdrawn from the examination if the applicant does not appear for any part of the MBE.

(3) An applicant who fails to appear for or has withdrawn from multiple prior examinations, or having appeared for the examination but in the opinion of the Board upon review of the applicant's examination papers and record of attendance does not make a bona fide effort to pass the examination, may in the discretion of the Board, be required to petition the Board for permission before applying to sit for a subsequent examination. In the event the Board determines such a petition is required, the applicant will be so notified by the Board.

(4) The Board may, in its discretion, delegate to any of its members, or to its Executive Director, Deputy Executive Director or counsel, authorization to make determinations under this Section.

**6000.10 Transfer of Scores**

(a) Transfer of Multistate Bar Examination (MBE) Score

(1) Transfer of MBE Score Earned in New York to Other Jurisdictions. An applicant taking the bar examination in New York may request the transfer of an MBE score earned in New York to another jurisdiction. An applicant requesting the transfer of an MBE score earned in New York to another jurisdiction must direct such request to the Board's office on a form provided by the Board and pay the fee prescribed in Section 6000.14(c).

(2) No transfer of MBE Score from Another Jurisdiction to New York. An applicant taking the bar examination in New York must take the MBE in New York and may not transfer in a previously-earned or concurrent MBE score from another jurisdiction.

(b) Multistate Professional Responsibility Examination (MPRE) Score

(1) MPRE Score Reports to New York. All applicants who are seeking admission to the practice of law in New York State must take and pass the MPRE administered by NCBE prior to being certified by the Board to the Appellate Division. Applicants must designate New York as the jurisdiction to which the score should be reported or have an official score report sent to the Board by NCBE (see [www.ncbex.org](http://www.ncbex.org)).



(2) MPRE Score Transfers to Other Jurisdictions. An applicant seeking admission to the practice of law in another jurisdiction may request that New York transfer a MPRE score from its archives to the other jurisdiction. To be eligible for transfer, the MPRE score must be no longer available through NCBE score report service, and the MPRE score must have been officially reported to New York by NCBE. An applicant requesting transfer of a MPRE score to another jurisdiction must direct such request to the Board's office on a form provided by the Board and pay the fee prescribed in Section 6000.14(f).

(c) Transfer of Uniform Bar Examination (UBE) Score. Any applicant seeking to transfer a UBE score earned in New York to another UBE jurisdiction and any applicant seeking to transfer a UBE score earned in another jurisdiction to New York must complete the UBE score transfer request on the website of NCBE and pay the prescribed NCBE UBE score transfer fee.

#### **6000.11 Automatic Regrading of Certain Examination Answers**

The Multistate Essay Examination and Multistate Performance Test answers for each applicant who receives a total weighted scale score of 262 to 265 following the initial grading of the applicant's examination shall be regraded by graders other than the initial graders prior to the release of results. The applicant's scores shall then be recomputed to arrive at a final UBE score. There is no appeal from a final score. The initial score prior to re-grading shall not be made available to the applicant.

#### **6000.12 Publication and Release of Multistate Essay Examination (MEE) and Multistate Performance Test (MPT) Questions, Failed Candidate Answers and Selected Answers of Passing Applicants**

(a) No later than 60 days after the release of the results of each bar examination, the Board shall post on its website copies of the MEE questions and a synopsis of the MPT items that appeared on such examination and copies of representative MEE and MPT answers of passing applicants. The representative answers of passing applicants shall be ones which received scores superior to the average scale score awarded for the relevant question. Such answers, which shall be selected by the Board, shall be released in a format designed to protect the anonymity of the authors.

(b) Each applicant who has received a final bar examination score below the required passing score may make a written request to obtain one set of copies of the applicant's own answers to the MEE and MPT questions, the MEE questions, the MPT questions, and the selected applicants' answers referred to in subsection (a). Such request shall be made no later than 60 days after the Board's failure notice to the applicant.

#### **6000.13 Fraud, Dishonesty and Other Misconduct**

(a) If it shall appear to the Board that there is credible evidence which would establish that an applicant has:

(1) either by omission or commission falsified the application or proofs required for admission to the bar examination, the NYLC or the NYLE, or misrepresented the applicant's eligibility to sit for the bar examination, the NYLC or the NYLE, or otherwise provided untruthful information in corresponding with the Board;

(2) either by omission or commission falsified the application or proofs required for admission by transferred UBE score, or misrepresented the applicant's eligibility to apply for admission by transferred UBE score;

(3) either by omission or commission falsified the proofs required for admission to practice without examination or misrepresented the applicant's eligibility to be admitted to practice without examination;

(4) either by omission or commission falsified documentation submitted in support of a request for test accommodations under Section 6000.7 or secured such documentation under false pretenses;

(5) brought any item or material prohibited by the Board through the security checkpoint at the bar examination, or possessed any such item or material at any time after passing through the security checkpoint;

(6) reviewed and/or accessed, intentionally or inadvertently, any item or material, including any electronic document, prohibited by the Board at any time after passing through the security checkpoint at the bar examination, or secreted any such item or material with the intent to review and/or use it;

(7) otherwise violated the Board's bar examination security policy, honor code or other written examination notice;

(8) broken the seal on the question book, opened the question booklet, or reviewed the questions in the question book prior to the announcement that the bar examination session has begun;

(9) written, typed or designated any answers to questions or other unauthorized information on any bar examination materials, answer sheet or booklet prior to the announcement that the bar examination session has begun;

(10) written, typed or designated any answers to questions or other information on any bar examination materials, answer sheet or booklet after the announcement of the conclusion of the bar examination session;

(11) entered the exam software prior to the instruction to do so or failed to exit the exam software when instructed to do so;

(12) sought, obtained or used answers or information from, or given answers or information to, another applicant or any other person during the bar examination or the NYLE;

(13) removed or attempted to remove any bar examination materials or notes made during the bar examination from the examination room;

(14) otherwise violated any of the oral or written instructions given in connection with the administration of the bar examination, the NYLC or the NYLE;

(15) used any means to speed up or advance any video segment of the NYLC or otherwise failed to view, at their normal speed, the entirety of the lectures in the NYLC, or viewed or attempted to view more than one video segment at the same time;

(16) memorized bar examination questions or NYLE for the purpose of reporting and/or reported the substance of questions to any person or entity engaged in, or affiliated with any person or entity engaged in, the preparation of applicants to take the bar examination and/or the NYLE;

(17) copied or gave to another person any of the NYLC, NYLE or bar examination questions or answers, used any questions or answers of the NYLC, NYLE or bar examination provided to the applicant by another person in taking the NYLC, NYLE or the bar examination, or violated the copyright protection afforded to the NYLC, NYLC/NYLE Course Materials, NYLE and/or the bar examination;

(18) during the administration of the NYLE, electronically searched the NYLC/NYLE Course Materials using a searchable version of the NYLC/NYLE Course Materials;

(19) engaged in fraud, dishonesty or other misconduct in connection with an application for, or the administration of, the Multistate Professional Responsibility Examination (MPRE) or a bar examination of any other jurisdiction;

(20) sat for the bar examination or the NYLE without having a bona fide intention to seek admission to practice law in the State of New York;

(21) compromised or disrupted the process for admission to or administration of the bar examination or the NYLE;

(22) violated the Board's civility policy; or

(23) failed to cooperate in a misconduct investigation made pursuant to this Section, or made a false statement in connection with a misconduct investigation  
the applicant may be charged with having engaged in fraud, dishonesty or other misconduct. The applicant shall be served with written notice of such charges by regular mail and email at the last address provided to the Board by the applicant. The charges shall state with particularity the facts upon which they are based. The applicant's examination results shall be withheld pending the decision on the charges by the Board.

(b) The applicant, no later than 30 days after the service of charges, shall cause to be delivered to the office of the Board a verified answer to such charges. Such answer shall identify with specificity the charges disputed by the applicant, who shall set forth any evidence which can be adduced by the applicant in contradiction of such charges. The applicant must indicate in such written answer whether a hearing before the Board to dispute any factual issue is requested. A hearing in mitigation is only permitted in the sole discretion of the Board; however, along with the verified answer, the applicant may include any written evidence in support of mitigation. Upon receipt of a verified answer the Board shall, upon request, disclose to the applicant the evidence in its possession which forms the basis of the charge.

(c) In the event such applicant does not submit a written and verified answer as provided in subsection (b) the Board shall deem the facts set forth in the written charges to be true.

(d) In the event such applicant does not request a hearing as provided in subsection (b) the Board may make a decision based on the evidence submitted, or may, on its own motion, determine to conduct a hearing.

(e) If the applicant shall request a hearing to dispute any factual issue, or if the Board, on its own motion, determines to conduct a hearing, the Board shall set a date for a hearing. Reasonable notice of the hearing shall be provided to the applicant. The hearing shall be conducted by the Board or by one or more members of the Board who shall make a recommendation to the full Board which shall render a decision. The Board is not bound by the rules of evidence.

(f) If the applicant shall be found guilty by reason of:

(1) applicant's admission that such charges are true, in whole or in part; or

(2) applicant's default in answering the written charges, in whole or in part; or

(3) decision of the Board, after a hearing, or where no hearing was conducted, after the Board's review of the evidence submitted, the Board shall issue a written determination of its decision in which one or more of the following penalties, and any other penalty which the Board may deem appropriate, may be imposed:

(i) forfeiture of all fees paid by such applicant;

(ii) nullification of the bar examination, NYLC or NYLE taken, and/or nullification of the application made by such applicant to take the bar examination or NYLE;

(iii) disqualification of the applicant from completing the NYLC or applying for the bar examination, the NYLE, admission upon examination by transferred UBE score, and/or for admission on motion for a period not to exceed six years from the date of such determination;

(iv) invalidation or striking of one or more answers of the examination taken by such applicant, or the reduction of applicant's final score by one or more points;

(v) transmission of a copy of the Board's determination to the Appellate Division in New York State having jurisdiction over the applicant's application for admission to practice;

(vi) transmission of a copy of the Board's determination to the bar admission authority and/or disciplinary authority in any jurisdiction of the United States and, where applicable, to any foreign jurisdiction deemed appropriate by the Board;

(vii) postponement of certification to the Appellate Division in New York State having jurisdiction over the applicant's application for admission to practice;

(viii) denial of the applicant's request to transfer an MBE score, earned in New York, to another jurisdiction.

(g) If the applicant shall be found not guilty, or if the Board determines that the charges should be dismissed, the applicant shall be notified in writing of the Board's decision and the Board shall release the applicant's examination results.

(h) The Board shall serve its determination on such applicant by regular mail and email at the last address provided to the Board by the applicant as soon as practicable. Any determination is final and not subject to further review by the Board.

(i) The applicant shall be entitled to be represented and advised by counsel, at the applicant's own expense, at every stage of the proceeding. Any person who appears at a hearing held pursuant to subsection (e) shall be entitled to be represented and advised by counsel, at the applicant's own expense.

(j) The Board, in its discretion, may hold in abeyance any application submitted by an applicant to take the bar examination or NYLE or for admission on motion or admission upon transferred UBE score pending the outcome of a misconduct investigation and/or proceeding against such applicant pursuant to this Rule or in connection with the administration of the bar examination in another jurisdiction.

#### **6000.14 Schedule of Fees**

(a) Examination Fee. The fee for application for admission to practice by examination or re-examination, including the application for admission to practice by examination using a transferred UBE score, is the amount prescribed by Section 465 of the Judiciary Law.

(b) Admission on Motion Fee. The fee for a certificate of educational compliance required of applicants for admission to practice without examination (i.e. admission on motion) is the amount prescribed by Section 465 of the Judiciary Law and shall be paid at the time application for such certificate is made.

(c) Fee to Transfer a Multistate Bar Examination (MBE) Score from New York to another Jurisdiction. The fee for a request to transfer an MBE score earned in New York to another jurisdiction is \$50, and shall be paid when the form provided for that purpose is filed in accordance with Section 6000.10(a)(3).

(d) Fee to Transfer a Multistate Professional Responsibility Examination (MPRE) Score. The fee for a request to transfer an MPRE score to another jurisdiction is \$50, and shall be paid when the form provided for that purpose is filed in accordance with Section 6000.10(b)(2).

(e) Form of payment. The fee for first time examination or re-examination, the fee for application for admission by transferred UBE score, and the fee for a certificate of educational compliance required of applicants for admission to practice without examination (i.e. admission on motion) shall be made online by credit card. All other fees shall be made by certified check, cashier's check, or money order, payable to "State Board of Law Examiners."

#### **6000.15 Application for Waiver of Rules**

(a) Except as otherwise provided in this Section, the Board, upon application and for good cause shown, may in its discretion vary the application of or waive any provision of these Rules where strict compliance will cause unwarranted hardship to the applicant. Such application shall be in the form of a verified petition which shall set forth the applicant's name, age and residence address, the facts relied

upon, and a prayer for relief. The verified petition must attest to the truth and accuracy of the statements made therein, be made under penalty of perjury and be notarized. Any documentation in support of the application must be submitted with the original petition.

(b) The following Rules may not be waived: (1) the application and re-application for test accommodations filing deadlines contained in Section 6000.7; (2) the passing score for the UBE contained in Section 6000.3(a)(2); (3) the passing score for the NYLE contained in Section 6000.3(c)(4); (4) the passing score for the MPRE contained in Section 6000.3(d)(1); and (5) the withdrawal and failure to appear provisions in Section 6000.9.

(c) Any Rule of the Board, the substance of which is also contained in the Rules of the Court of Appeals, may be waived only by the Court of Appeals upon application to the Court pursuant to Court of Appeals Rule 520.14.

(d) The Board may, in its discretion, delegate to any of its members, or to its Executive Director, Deputy Executive Director or counsel, authorization to make determinations under this Section.