

University of North Carolina School of Law
New York State Bar Skills and Values Requirement
Pathway 1 Certification

Enacted by Faculty Resolution: March 4, 2019

All students who commenced coursework toward the Juris Doctor degree after August 1, 2016 and who seek admission to the New York State Bar must satisfy the New York State Bar Skills and Values Requirement under Section 520.18 of the Court of Appeals Rules for the Admission of Attorneys and Counselors at Law. There are five pathways to satisfy this requirement. Under Pathway 1 (§ 520.18(a)(1)), the University of North Carolina School of Law will certify students as having basic competence and the ability to participate ethically in the legal profession upon successful completion of the following requirements.

First-year Instruction

All first-year law students take the same required courses. The 1L curriculum seeks to introduce students to the rigors of legal thought, to develop their critical thinking skills, to provide them with a strong foundation in certain core subject areas, and to provide basic instruction in legal research and writing. All teachers in the first year are requested to inject issues of professional responsibility whenever they can to help students become aware of the School's high standards for professional behavior and ethical competence.

All students must take Civil Procedure, Constitutional Law, Contracts, Criminal Law, Property, and Torts, the core subjects of the American legal tradition. Each of these courses is four credits.

In addition, first-year law students are also required to enroll in two three-credit Legal Research, Reasoning, Writing, and Advocacy ("RRWA") courses. These courses provide foundational, practice-oriented, and skills-focused instruction in a small class section. Working both individually and in teams, students learn the fundamentals of legal reasoning, research, writing, and advocacy. The courses offer many opportunities to perform lawyering tasks plus many opportunities for feedback and self-evaluation. Transfer students who completed fewer than six credits in legal research, reasoning, writing and advocacy are required to take a semester of the first-year RRWA course.

Upper-Level Instruction

After the first year, students are able to select courses that support their career goals, but they must complete (1) a course of at least two credits substantially devoted to issues of professional responsibility or legal ethics; (2) three credits of "rigorous writing"; (3) an additional writing experience; and (4) six credits of "skills" (experiential) courses.

Students are required to complete two writing experiences after the first year of law school, at least one of which must satisfy a "rigorous writing experience" (RWE). A

"rigorous writing experience" (RWE) is defined as satisfactory completion of a significant research paper or a series of related papers, which, taken together, are the functional equivalent of a significant research paper, under the direct supervision of a faculty member. The course descriptions identify those offerings that satisfy a "rigorous writing experience." A three-hour independent study may also satisfy a "rigorous writing experience." Faculty members who teach an RWE are expected to provide feedback to help students improve their writing skills, including feedback on a substantial draft.

Students must also satisfy one additional writing requirement during their 2L or 3L year. This second writing experience (WE) may be satisfied by:

- a. a second "rigorous writing experience;"
- b. a course requiring one or more short writing assignments;
- c. an add-on writing component for extra credit to existing courses;
- d. a paper completed for a one or two-credit independent study;
- e. a note or comment written for a student-edited journal;
- f. a writing project for inter-school moot court competition;
- g. writing completed for a clinic designated by the Director of Clinical Programs.

Students must also complete at least six credit hours in "Skills" courses after the first year. "Skills" courses satisfy ABA Standard 303(a)(3) and must be a simulation course, a law clinic, or a field placement. Each of these types of courses requires at least (1) direct supervision of the student's performance, (2) opportunities for performance, feedback, and self-evaluation, and (3) a classroom instructional component. The course also must integrate doctrine, theory, skills, and legal ethics, and engage students in performance of the following "professional skills," including (1) legal analysis and reasoning, legal research, problem-solving, and written or oral communication in the legal context; (2) the exercise of proper professional and ethical responsibilities to clients and the legal system; and (3) other professional skills needed for competent and ethical participation as a member of the legal profession.

Appendix

PART 520. RULES OF THE COURT OF APPEALS FOR THE STATE OF NEW YORK FOR THE ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW

§ 520.18 Skills Competency Requirement for Admission

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) 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

(b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level 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.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;

(b) provides opportunities for performance by the student other than traditional classroom discussion;

(c) provides for regular individualized student feedback from a faculty member; and

(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof.

(iv) A student may earn up to six of the fifteen required 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. The supervising attorney must certify to the law school the beginning and ending dates of the employment, that the student satisfactorily completed the employment, and that the work experience: provided the student with an initial orientation session; implemented a system for assignments that assured that the student was actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period; provided the student with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; gave the student timely oral and written feedback; and engaged the student in reflection on his/her experiences and learning during the employment. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Certification. The certification of an applicant's compliance with this paragraph shall list the courses or parts of courses in the law school curriculum and, if applicable, the work experiences completed by the applicant that meet the 15-credit requirement as set forth herein.

(vi) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (v), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.