

New York State Board of Law Examiners

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August 15, 2013

Elizabeth Reilly, Interim Dean
University of Akron
C. Blake McDowell Law Center
150 University Avenue
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Dear Interim Dean Reilly:

We write to announce upcoming changes to the content of the New York bar exam.

Effective with the July 2014 bar exam, we will no longer test UCC Article 3 – Negotiable Instruments. Effective with the February 2015 exam, Administrative Law will be added to the list of subject matters we test.

The exam content currently includes NY Civil Practice Law and Rules Article 78. In that context, we have frequently tested the standard for judicial review of administrative determinations. We will be adding a limited number of administrative law principles to our content coverage in accordance with the attached tentative outline.

As always, we invite your comments on this and any other aspect of our bar exam. You can send your comments to John McAlary, our Executive Director, at the address listed above, or directly to me. My contact information is listed below.

Our Content Outline (available at <http://www.nybarexam.org/Content/ContentOutline.htm>) is currently undergoing revision. We welcome your comments or suggestions. Please provide any such comments no later than November 1, 2013.

Very truly yours,



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Enclosure

New York State Board of Law Examiners

TENTATIVE OUTLINE FOR ADMINISTRATIVE LAW FOR NY BAR EXAM

I. Rulemaking

- A. Sources of Publication
 - 1. New York Code Rules and Regulations (NYCRR)
 - 2. The State Register
- B. Public Disclosure
 - 1. Freedom of Information Law (FOIL)
 - 2. Open Meetings Law

II. Adjudication

- A. Statutory Authority
 - 1. SAPA Art. 3 §§ 301–307
- B. Required Process
 - 1. Pre-Hearing; discovery and right to counsel
 - 2. Hearing; Rules of evidence
- C. Res Judicata and Collateral Estoppel Effect
- D. Agency Power to Acquire Information
 - 1. Administrative Searches
 - 2. Administrative Subpoenas
 - 3. Reporting and Recordkeeping Requirements

III. Judicial Review

- A. Preconditions to Judicial Review
 - 1. Standing
 - 2. Exhaustion of Administrative Remedies
 - 3. Ripeness
 - 4. Finality
- B. Review of Agency Actions
 - 1. Procedural Basis of Review (CPLR Art. 78, Declaratory Judgment Action)
 - 2. Legal Determinations
 - 3. Determinations of Fact
 - 4. Discretionary Decisions
 - 5. Rules and Policy Determinations