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## Hike in Aussies doing NY Bar

By Deborah Hodgson and Alex Boxsell

Aspiring New York attorneys converged on the city last week for the biannual New York Bar Exam, and among them were more Australians than ever before, reflecting a growing interest in working in the US among Australian lawyers, booming demand in the city, and the benefits of a new visa facilitating Australian professionals working in the United States.

Beatrice O'Brien, President of Attorney Placements International LLC, runs the New York Bar Review Quality Program, which over the years has helped hundreds of candidates prepare for the exam, widely seen as the most gruelling legal exam in the English-speaking world. "There has been a big hike in the number of Australians who are doing the Review and the exams themselves," she said. Last year 200 Australians did the program; this year's intake was already up to 350.

O'Brien cited as one factor for the increase the new E3 visa, which came into effect late last year. The E3 allows 10,500 professionals every year (not including spouses and children) to enter the US from Australia and work for two years, and to extend by two years an indefinite number of times. The spouse is also granted, unusually, unrestricted working rights in the US. The only visa available previously, the H category of visa, has a quota of 900 Australians, and this year's intake is already full until October 2007.

O'Brien also argued that the areas in which Australians are especially sought after – banking and finance, private equity, restructuring and commodities, were experiencing increased demand with a booming New York mergers and acquisitions market.

Young lawyers who sat the exam last week were relieved the ordeal was over. "We all hear that the New York Bar is hard, but it's just that the volume of subjects you need to learn is phenomenal. It's basically a whole Australian law degree in two months," said Linda Robinson, an attorney with Milbank, Tweed, Hadley & McCloy LLP, who arrived in New York in March, took one month off to study, and sat the exam last week.

With 22 different subjects to be undertaken, of which at least two or three would not even be touched on in US law schools, according to US attorneys, the schedule is extremely onerous for those lawyers who have already left school far behind.

Exam techniques are quite different in the US to those in Australia, adding to the burden. The Bar Exam is completely 'closed book', with students only able to bring in a pen on both of the two days. Each of the days of the exam run to two three-hour sessions, including one hundred multiple choice questions, essays and MPT (multistate performance test) – a lawyer's drafting exercise.

"You are answering a lot of questions and writing a lot of essays in a short amount of time – six essays in six hours. Just being able to physically get that on paper

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and get through it is a separate skill that we are not used to in Australian law schools," said Kylie Davidson, a Milbank associate who joined as a new graduate in 2000.

"It was about ten times more work than PLT," commented Lena Nash, a Jones Day associate working now in Munich, who did the exam last July. "You can't do it all – you have to aim to do about three-quarters of the course."

The exam, despite its difficulty, doesn't necessarily produce better lawyers, said O'Brien. "I'll go out on a limb here and say it's just technique; it doesn't show you what a lawyer will face on a day-to-day basis. The Australian system is much better, training you to draft pleadings, affidavits and so forth." However, with passing the exam mandatory for practising as an attorney in New York, aspirants have little choice.

The closed book factor and the standardised testing format, familiar to all American students from primary school onwards but new for Australians, make it more difficult than it needs to be, said O'Brien. The average pass rate for all foreigners is currently 47 per cent. But preparation programs and a leisurely schedule of about six months study can substantially increase your chances.

O'Brien's New York Bar Review Quality Program, which since 2004 is online so that candidates can study while working in Australia, boasts a pass rate of 98 per cent. "We hand hold them through the whole process; if I find a student freaking out late at night I will go personally and sit down with them," said O'Brien, who treats her duty as a "passion". The one-on-one tailored treatment comes with a hefty price tag however – \$12,500 for the whole online package of training and research materials.

"Many people prefer doing something like the New York Bar to doing an LLM with no particular end in mind," said O'Brien. "That way you can be admitted to a jurisdiction which is highly sought after."

"The US bar is fantastic experience for an Australian, particularly if they want to come back to Australia and go in-house at a US multinational," said Amanda Bear, co-director of Dolman Legal Recruitment.

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