



**New York State Bar Association
Committee on Professional Ethics**

Opinion 1298 (08/11/2026)

Topic: Description of foreign lawyer who has passed bar examination but is not admitted

Digest: A candidate for admission to the New York State Bar who has passed the UBE, MPRE and NYLE may identify himself with the notation, “Passed the NY state bar examination (passed not admitted).”

Rules: 7.1(a), 7.5, 8.4(c), 8.5(a) & (b)

FACTS:

1. The inquirer is a foreign lawyer (i.e., a non-U.S. lawyer) qualified and practicing in a jurisdiction outside of the United States. He has passed the Multistate Professional Responsibility Examination (MPRE), he has earned a score satisfying New York’s passing score on the Uniform Bar Examination (UBE), and he expects to take the New York Law Exam (NYLE) shortly. (A candidate seeking admission in New York must take and pass these three examinations prior to being certified for a character and fitness investigation.)

QUESTION:

2. The inquirer asks whether, after having passed the UBE, MPRE, and NYLE, he may on his law firm’s website list his professional qualifications to include, “Passed the NY state bar examination (passed not admitted).”

OPINION:

3. At the outset, we note that the New York Rules of Professional Conduct (the “Rules”) are disciplinary rules that apply to the conduct of New York lawyers and law firms, and not, strictly speaking, to the conduct of candidates for admission. Further, we note that when New York lawyers are also admitted in another jurisdiction, their conduct may be governed by the Rules of that jurisdiction in certain circumstances.¹ Because the inquirer is applying to the New York Bar,

¹ Rule 8.5(a) provides, in pertinent part: “A lawyer may be subject to the disciplinary authority of both this state and another jurisdiction where the lawyer is admitted for the same conduct.” Rule 8.5(b) provides that, for conduct *not* in connection with proceedings in a court,

If a lawyer is licensed in this state and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices; provided, however, that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is licensed to practice, the rules of that jurisdiction shall be applied to that conduct.

See also N.Y. State 1241 (2022) (discussing application of Rule 8.5 to advertising by New York lawyer practicing in Florida); N.Y. State 1264 (2024) (discussing application of Rule 8.5 to use of J.D. designation by New York lawyer in connection with nonlegal work for out-of-state employer).

and apparently wishes to conform to the Rules in anticipation of admission, we proceed to answer the inquirer's question as though the Rules applied to his conduct.²

4. Rule 7.1(a), as amended effective June 1, 2026, states:

A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.

5. Rule 7.5(a) (as amended in 2020) states that "a lawyer or law firm may use internet web sites, professional cards, professional announcement cards, office signs, letterheads or similar professional notices or devices, provided the same do not violate these Rules or any statute or court rule." Comment [1] to 7.5 gives additional guidance, stating: "A lawyer's or law firm's...web site, social media pages...business cards, letterhead, and professional designations are communications concerning a lawyer's services and must not be false, deceptive, or misleading. They must comply with this Rule [7.5] and with Rule 7.1."

6. Rule 8.4(c) states that a lawyer shall not "engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

7. In N.Y. State 943 (2012), this Committee considered whether a law firm could provide business cards to a law school graduate who was not admitted in any jurisdiction and was working as an "account/project manager" if the business cards identified her by saying, after her name, "J.D." and "Legal Project Manager." We opined that "listing 'J.D.' next to an employee's name on a law firm business card may imply to the public that the employee is an attorney" and that the use of "Legal Project Manager" might lead the public to that same misimpression. Opinion 943 concluded that "the proposed title and degree information may be listed on a law firm business card (or its equivalent, including a digital 'vCard') only if the card expressly discloses that the employee is *not admitted* to practice law." *Id.* ¶ 7 (emphasis added).

8. While the version of Rule 7.1 recently adopted by the Appellate Division eliminated a number of detailed provisions that were in the prior version of the Rule, the relevant operative language is materially identical.³ In addition, the prohibition against deception in Rule 8.4(c) remains. The inquirer here proposes to state that he has passed the N.Y. State Bar examination and to expressly add "(passed not admitted)," as required by Opinion 943

9. We see nothing misleading in such a description. In our view, using the term "N.Y. State

² The Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York asks whether the applicant has "exhibited or engaged in any conduct or behavior . . . that would call into question your ability to practice law in a competent, ethical, and professional manner" and calls for applicants to affirm that that they have read and will conscientiously endeavor to conform their professional conduct to the Rules. *See* Application for Admission questions 35 & 45, *available at* https://www.nycourts.gov/courts/AD1/Committees&Programs/CFC/B-Bar_Admissions-Questionnaire.pdf.

³ The prior version of Rule 7.1(a) reads: "(a) A lawyer or law firm shall not use or disseminate or participate in the use or dissemination of any advertisement that:
(1) contains statements or claims that are false, deceptive, or misleading; or
(2) violates a Rule."

Bar examination” to refer to the three written examination components of the process for admission to the N.Y. State Bar is not misleading. Further, to the extent that indicating that the inquirer has passed the examination might lead to the impression that he is an attorney, the phrase “not admitted” dispels that possibility.

CONCLUSION:

10. A candidate for admission to the New York State Bar who has passed the UBE, MPRE, and NYLE may identify himself with the notation, “Passed the NY state bar examination (passed not admitted).”

(17-26)