

Enterprising Aussie expat brings New York Bar exams to a venue near you

NEW YORK-BASED solicitor Beatrice O'Brien was in town in March and April busily marketing and organising students she says are already enrolled in a distance-education project designed to allow local lawyers to "train" for the New York Bar exams.

The project is called the New York Bar Review Quality Program, and according to the bump, "has been designed specifically for the Australian legal fraternity offering a great opportunity for long-term career advancement, strong academic development and recognition without the associated and costly, time-absorbing need to relocate to New York to prepare for the Bar Exam".

A Bond University law graduate, O'Brien departed with her husband and two toddlers for New York four years ago.

She was heading for the big deals, she told *LSJ*. "Everywhere else is a backward step if you want to advance your career."

The word that comes to mind when talking to O'Brien is 'focused'.

An Indian from Fiji with centuries long roots in the country, she was 14 when her family shifted to Melbourne.

"We couldn't afford for me to go to university. So, on finishing school, I did an office procedures course, graduating top of the class with a typing speed of 99 words a minute, 100 per cent accuracy, and I applied for a job as a legal secretary with Frank Galbally."

Melbourne's famous criminal lawyer was at first inclined to reject her application because she lacked experience, but she talked him around, and on a part-time basis at night undertook the study necessary at RMIT for a Diploma of Business (Legal) Studies.

"Galbally encouraged me to set my sights on the law. I knew you could get an accelerated law degree at Bond in two and a half years. I saved up and enrolled there for the first year."

Financial constraints compelled O'Brien to transfer to UTS. In Sydney she worked for Phillips Fox and got on with her studies at night, to such good effect that "Bond offered me a scholarship to go back. I finished my degree there and also graduated with the Graduate Diploma in Legal Practice. (Every penny I spent at Bond was worth it)".

She was working for KPMG Legal when she decided to take off for New York, where she was offered a position with a 'white-shoe' Wall Street law firm, Cadwalader Wickersham & Taft. At the end of her first year she underwent the entire process of the New York Bar Admission. Now with top-tier law firm Moses & Singer, she is also a member of the Committee for Legal Education and Admission to the Association of the Bar of the City of New York.

"My firm nominated me for the Committee."

LSJ met up with her just before Easter in Sydney, where, based at the Grace Hotel housing 'P J O'Briens - the Irish Pub', a national chain part-owned by her husband, Timothy O'Brien, she was busy tweaking the universities and the major law firms to act as administrator/venues for the "most comprehensive New York Bar Exam preparatory courses available in capital cities throughout Australia with the first scheduled program commencing 1 May, 2004 and the second 1 December, 2004".

Likely customers

LSJ was interested: Did O'Brien imagine thousands of Aussie solicitors staring out the windows, dreaming of making it in New York? Had she done much research into the market?

"Yes, we've been working on the project for two years and I have found interest in it to be actually much stronger and broader than I had envisaged."

O'Brien says there is more than one market targeted by the program: some candidates



Expat Australian solicitor Beatrice O'Brien, now a member of the New York Bar and also a member of the Committee for Legal Education and Admission to the Association of the Bar of the City of New York, has just spent five weeks in Australia tying local universities and top-tier law firms into a scheme whereby Australian lawyers can secure expert assistance to study for the New York Bar exam at home. PHOTO: GREG BARLOW

will enroll simply for the knowledge, with no intention of taking the exam; some want to do the exam to have the NY qualification with no intention of practising there; some want to go to New York; some work for US and international firms in Australia and view the dual qualification as beneficial to their career; some want to work for US/international firms and see the program/exam as leverage to achieve that. She says some in-house counsel for international/US companies are enrolling, as well as many graduates and post-graduate students.

"Historically, the vast majority of Australian lawyers inter-

ested in practising overseas have gone to London because it has been easier. For some of those, the US has been their primary goal, but they've used London as a stepping stone. Our program allows them to go direct at substantially less cost in terms of time and money."

What's on offer

According to O'Brien, the core components of the New York Bar Review Quality Program have been operative for many years, the New York Bar Review Course since 1972, the New York Essay and Multistate Performance Test Course since 1984 and the Multistate

Bar Exam Course since 1975. This last portion of the Course proved most problematic for O'Brien as a foreign-trained lawyer, and the MBE-specific course within the program has been especially strengthened for the Australian market.

"Americans are very much into standardised testing," she says. "So multiple choice questions feature prominently in their exams.

"Training for the NYB is looked upon like training for a marathon. The standard set by the board of examiners to become an attorney in New York is very demanding.

"The program runs from 5.45 p.m. to 10 p.m., in five-night blocks with some weekends over 48 sessions in Australia, followed by further face-to-face review sessions in New York. The program is paced to give candidates some days off. No extra research is required. Everything a candidate needs is in the program. They only need to follow it.

"The Multistate Bar Exam (MBE) deals with the general common law in all States. It has six topics and candidates have to answer 200 multiple choice questions.

"In the Multistate Performance Test, candidates have 90 minutes to look at a problem and write an analysis.

"The New York essay testing, which is part of the New York Bar exam basically requires five essays with 45 minutes allowed for each. In addition, there are 50 multiple-choice questions on New York law.

"As well as providing the material on which Multistate Bar Exam candidates are examined, we offer three days of intensive training in negotiating that material to enhance a candidate's chance of passing the MBE. The importance of that exam can be assessed if you realise it takes up one whole day of the New York Bar Exam and is worth 60 per cent of the total assessment.

"It seemed to me that the MBE was the part of the exam where I as an Australian was most disadvantaged because of being less familiar with standardised testing. So we have focused particularly on that component to bring Australian candidates up to par."

Describing how purchasers

of the program – priced at A\$9,878 – might use it, she envisages small study groups rather than individual study.

"You need the rivalry and the support of co-contestants.

"Candidates learn from the video lectures and from conference calls. They submit papers online and they will be assessed promptly by the experts. We offer 24-hour assistance."

Intensive labour

"This is an accelerated program with more contact hours than an average university semester, but conducted in a shorter time span and at convenient times for candidates with work obligations. It is tailored to fit in with the Bar Exam held at the end of February and at the end of July, one program conducted in December for the February bar exam and again in May for the July bar exam.

"After the program is completed, candidates can go to New York for two weeks prior to the exam to acclimatise and prepare.

"During the two weeks a career session will be available to inform candidates how to cut it in Wall Street."

O'Brien says no jobs can be guaranteed, but that the program can direct candidates to firms with a record of hiring Australian lawyers, and also to pro-active placement agencies and recruiters.

"Australians are very popular with US employers. We have a reputation for being hard workers and adventurous.

"Work visas are generally not a problem for motivated candidates."

On her website www.nybar.com.au O'Brien has put up an information pack that can be downloaded, and an enticing range of US lawyer salaries listed under 'Salary Announcements'. The figures relate to the year 2000 and do not include bonuses which, she says, are in some cases up to an additional 50 per cent of the base salary.

For further information on the NYB Review Quality Program check out www.nybar.com.au or contact Beatrice O'Brien by email info@nybar.com.au. □

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