



PRESS RELEASE

**New York State
Unified Court System**

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New York First to Adopt Pro Bono Requirement for Bar Admission

NEW YORK – Prospective attorneys must fulfill a 50-hour pro bono service requirement before being licensed to practice law in New York State under a new rule announced today by Chief Judge Jonathan Lippman, effective on January 1, 2013, that will make New York the first state to have such a prerequisite for bar admission. The new rule will take effect immediately for students entering their first or second year of law school.

Recommendations on how to implement the new rule were formulated by the Advisory Committee on Pro Bono Bar Admission Requirements, a panel appointed by Judge Lippman in late May. The Administrative Board of the New York Courts reviewed and approved the Committee's proposals, and last Thursday the Court of Appeals adopted the new rule (22NYCRR §520.16), to appear in section 520.16 to Part 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law.

Under the new rule, bar applicants will have to file an Affidavit of Compliance with the appropriate Appellate Division department—whose respective Committees on Character and Fitness oversee and approve all admissions to the bar—describing the nature, place and dates of the pro bono work, and the number of hours completed, along with a certification by the supervising attorney or judge confirming the applicant's pro bono activities.

Among the other features of the new rule:

- The pro bono activity must be law-related and includes work in the traditional pro bono areas of legal services for the poor and unrepresented; in public service, including in the judiciary and throughout the levels of federal, state and local government; and for not-for-profit organizations.
- Qualifying work can be performed as part of law school-sponsored clinical programs; during summer or part-time employment; through law school intern/externship programs; at law firms or legal offices engaged in pro bono representation; or during the course of employment after graduation if such employment otherwise qualifies as pro bono or public service under the new rule.
- Both full- and part-time law students must meet this pro bono requirement.
- Qualifying service can be performed anywhere in the United States or in a foreign country.

Judge Lippman first proposed the new 50-hour pro bono service rule during his annual Law Day address at the Court of Appeals. While acknowledging the contribution of pro bono work by the practicing bar and the pro bono opportunities offered students by law schools nationwide, Judge Lippman stressed that more needed to be done to bridge the continuing access to justice gap, which, exacerbated by the tenuous economy, has resulted in thousands of litigants who cannot afford legal representation to pursue their basic rights involving housing, family and other essential matters.

Mindful of the national implications of this new initiative, the Advisory Committee on New York State Pro Bono Bar Admission Requirements, in shaping its recommendations, considered the views of law school deans and administrators in New York and throughout the country, providers of legal services to low-income individuals, various bar associations, law students and attorneys engaged in pro bono services, government legal officers, not-for-profit organizations and other interested parties. The Committee further sought the advice of the national Pro Bono Institute and The Association of Pro Bono Counsel in New York to review pro bono programs operated in law firms. It also gathered information from the New York State Board of Law Examiners, and conferred with Appellate Division justices and employees responsible for bar admission procedures.

After several months, the Committee prepared a report with recommendations on how to best put into effect this new requirement, with its objectives to provide meaningful experiences for law students that would encourage them to continue pro bono service once they become attorneys admitted to practice; to develop a broad range of useful pro bono opportunities, appropriate for law

students, to help address the urgent legal services needs of the poor in this time of diminished resources; and to instill in aspiring lawyers a career-long commitment to public service.

“There should be no higher aspiration for a lawyer than to work in the public interest, with this new rule going a long way to foster the values of pro bono legal assistance and public service that are so fundamentally rooted in our profession, providing prospective attorneys with valuable experience in areas of the law that serve the greater good and promoting such engagement as a regular part of their professional lives,” said Judge Lippman. “I commend the Advisory Committee on New York State Pro Bono Bar Admission Requirements for its stellar work to help implement this groundbreaking measure and am grateful to its esteemed co-chairs, Court of Appeals Associate Judge Victoria A. Graffeo and attorney Alan Levine, a partner at Cooley LLP and former chair of the Legal Aid Society, for their outstanding stewardship of this challenging undertaking.”

“I thank Judge Lippman for the privilege of serving as co-chair of this talented Committee, whose members have worked diligently in bringing to fruition this important initiative that will help ease the unmet legal needs of some of our most vulnerable citizens,” said Judge Graffeo. “The Committee placed great emphasis on ensuring a smooth transition for all of the stakeholders affected by this new rule. I am confident that this bar admission requirement will provide lawyers-in-training with meaningful experiences that will instill in them a lifelong dedication to provide pro bono services and respect for public service.”

“It has been a distinct pleasure to participate on this distinguished panel and with my esteemed colleague, the Hon. Victoria A. Graffeo, to lead the Committee in its efforts to help implement the new rule, which takes a crucial step in addressing the civil legal services crisis,” said Alan Levine. “This new measure raises even higher the standards for becoming a member of the New York bar, serving to imbue aspiring lawyers with that special sense of satisfaction that comes from performing work for the public good and starting them on a career-long path to public service.”

Judge Lippman has asked the Committee to extend its support throughout the implementation process and to continue to provide assistance after the new rule goes into effect, with the panel to evaluate the experiences of law students, law schools and those providing the legal environments in which the 50-hour requirement will be performed.

The new rule is attached.

The Committee’s full report is available on the Unified Court System website at www.nycourts.gov/whatsnew. Answers to frequently asked questions about the new rule are available at www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml.

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Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED, that Part 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law (22 NYCRR Part 520) is amended, effective January 1, 2013, or as soon thereafter as section 52 of the Judiciary Law is complied with, to add section 520.16 thereto. Section 520.16 provides as follows:

§ 520.16 Pro Bono Requirement for Bar Admission

(a) Fifty-hour pro bono requirement. Every applicant admitted to the New York State bar on or after January 1, 2015, other than applicants for admission without examination pursuant to section 520.10 of this Part, shall complete at least 50 hours of qualifying pro bono service prior to filing an application for admission with the appropriate Appellate Division department of the Supreme Court.

(b) Pro bono service defined. For purposes of this section, pro bono service is supervised pre-admission law-related work that:

- (1) assists in the provision of legal services without charge for
 - (i) persons of limited means;
 - (ii) not-for-profit organizations; or
 - (iii) individuals, groups or organizations seeking to secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties or public rights;
- (2) assists in the provision of legal assistance in public service for a judicial, legislative, executive or other governmental entity; or
- (3) provides legal services pursuant to subdivisions two and three of section 484 of the Judiciary Law, or pursuant to equivalent legal authority in the jurisdiction where the services are performed.

(c) Supervision required. All qualifying pre-admission pro bono work must be performed under the supervision of:

- (1) a member of a law school faculty, including adjunct faculty, or an instructor employed by a law school;
- (2) an attorney admitted to practice and in good standing in the jurisdiction where the work is performed; or
- (3) in the case of a clerkship or externship in a court system, by a judge or attorney employed by the court system.

(d) Location of pro bono service. The 50 hours of pro bono service, or any portion thereof, may be completed in any state or territory of the United States, the District of Columbia, or any foreign country.

(e) Timing of pro bono service. The 50 hours of pro bono service may be performed at any time after the commencement of the applicant's legal studies and prior to filing an application for admission to the New York State bar.

(f) Proof required. Every applicant for admission shall file with the appropriate Appellate Division department an Affidavit of Compliance with the Pro Bono Requirement, describing the nature and dates of pro bono service and the number of hours completed. The Affidavit of Compliance shall include a certification by the supervising attorney or judge confirming the applicant's pro bono activities. For each position used to satisfy the 50-hour requirement, the applicant shall file a separate Affidavit of Compliance.

(g) Prohibition on political activities. An applicant may not satisfy any part of the 50-hour requirement by participating in partisan political activities.