

New York Bar Pro Bono Admission Requirement

Beginning January 1, 2015, all applicants for admission by examination to the New York Bar must perform 50 hours of law-related pro bono service prior to filing their application.¹ Because the start date for this requirement is the date of bar admission, not the date of the exam, students who graduate on or after May 1, 2014, may be affected by this new rule.²

Rule Overview:

Under the new rule, “[e]very applicant admitted to the New York State bar on or after January 1, 2015, ... 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.”

Pro bono is broadly defined to include work that “assists in the provision of legal services without charge” for individuals of limited means, nonprofit organizations, and/or government sector entities (including the judiciary). The work must be law related and supervised by a licensed attorney, and the work may not involve partisan political activities.

Examples of qualifying pro bono service include:

1. In house, law school clinics (even if performed for academic credit) that provide legal assistance to those who cannot otherwise afford representation;
2. Externships or internships (even if performed for pay or academic credit) for a nonprofit provider of legal services, legal services organization, the judiciary, government sector entity (e.g., Public Defender, U.S. Attorney, Commonwealth’s Attorney, or Attorney General);
3. Private sector pro bono work;
4. Law school sponsored project or programs that serve the poor or disadvantaged (provided the work is law-related and supervised in accordance with the pro bono requirement);
5. Law-related work in connection with a faculty or instructor's pro bono work.

¹ In New York, an applicant first takes the Bar exam, and then files an application for admission, which must include the necessary proof of pro bono service. In the Second, Third, and Fourth Departments, the Application can be filed once the applicant has taken the bar exam; in the First Department, the applicant must have passed the exam before applying. In any case, it is possible that some or all of the 50 hours can be earned after graduation (including after taking the bar exam), but before filing for admission.

² The Pro Bono Requirement does not apply to individuals seeking admission on motion. However, only those who have practiced for 5 years or more in the prior 7 years are eligible for that exception. Therefore, LLM students who have been admitted to practice fairly recently will have to meet the requirement.

Review of the rule itself or the Court's guidance on its implementation should be made to determine whether a particular activity qualifies.³

Documentation:

As proof of completion, applicants must file an Affidavit of Compliance for each pro bono activity used to satisfy the 50-hour requirement. Each Affidavit must be certified and signed by the appropriate supervising attorney or faculty member.

The Affidavit may be completed after the pro bono work has concluded, but it cannot be submitted until the Application for Admission is filed. However, it is recommended to complete the Affidavit as soon as practicable, as it requires certification by the supervising attorney or faculty member, which is done more easily at the conclusion of service.

A fillable version of the Affidavit of Compliance form may be found online at http://www.nycourts.gov/attorneys/probono/appforadmission_pro-bonoreq_fillable.pdf

Questions:

Tara Casey
Director, Carrico Center for Pro Bono Service
tcasey@richmond.edu
804A 287A 1207

New York State Unified Court System
855A 227A 5482 (tollA free)
ProBonoRule@nycourts.gov

³ Additional information, including the Advisory Committee Report, the Form Affidavit of Compliance, and 33 Frequently Asked Questions can be found at <http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

NEW YORK 50 HOUR PRO BONO RULE

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 anytime 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.