Memorandum

From: Ian Weinstein, Associate Dean for Clinic and Experiential Education & Tom Schoenherr, Assistant Dean, PIRC

To: Fordham Law School Community

Re: 50 Hour Pro Bono Requirement for New York State Bar Admission

On September 19, 2012, the New York State Court of Appeals imposed a new requirement that all those who seek admission to the NY Bar by examination certify that they have completed 50 hours of pro bono service. The new mandate is set out in Rule 520.16 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law. The Rule is attached to this memo and may be found [here](#). You may also find this information provided by the [New York State Unified Court System](http://www.nycourts.gov), including the answers to several frequently asked questions, helpful.

The new Rule imposes additional responsibilities on our students and on those who may supervise their qualifying pro bono activities. We are, however, well situated to respond to these developments and we are confident that this change will not be problematic for most members of the law school community.

First, we note that the new rule applies to those who seek admission by examination on or after January 1, 2015. It does not apply to individuals seeking admission on motion after having practiced law for five years or more in the prior seven years in a jurisdiction with reciprocal privileges in NY. Nor does the requirement apply to anyone who has been or will be admitted before January 1, 2015.

In practical terms, this means that anyone who takes and passes the bar exam in the summer of 2013 or the winter of 2014 is exempt, provided that they submit their application for admission in a timely manner. Anyone taking and passing the bar exam in the summer of 2014 or later will have to meet the new requirement.

The requirement must be satisfied before filing an application for admission. In New York State, an applicant first takes the Bar exam, and then files an application for admission, which must include the necessary proof of pro bono service (discussed below). In the Second, Third, and Fourth Appellate 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 either 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.
The definition of pro bono is very broad. The pro bono work can be performed anywhere in the US or outside the US. The major limitation in the definition is that the work must be law related, so that volunteering for a soup kitchen, for example, would not count. The definition of the client or other interests for whom the pro bono work can be performed is also very broad, including not only traditionally underserved populations, but also non-profit organizations and the individuals that they serve, as well as all branches and agencies within the federal, state, and local governments, as well as their foreign counterparts, and with judges at any local, state, federal, or international court.

The Rule expressly includes clinics and internships/externships, and it allows students to receive academic credit and still have the work count as pro bono. Thus, anyone who participates in a Fordham clinic or in a Fordham externship will fulfill the requirement. The rule can also be fulfilled by service for which the applicant received a stipend, fellowship or third party payment and for qualifying legal work performed at a job for which compensation is paid, so long as there is no additional compensation for the qualifying service.

The work must be law related and supervised by a licensed attorney. Qualified work may not involve partisan political activities, nor can it be legal research in support of scholarship. The Rule would include many of the pro bono projects that we have developed here in our Public Interest Resource Center, as well as pro bono work that students have traditionally found on their own with outside groups, so long as the work is supervised by an attorney.

Applicants are responsible for certifying their compliance, not the law school. Each applicant must submit an affidavit that describes the nature and dates of the pro bono service and must secure a certification from the supervising lawyer. The affidavit form is available from the New York State Court website. It would be prudent to complete it promptly after the pro bono work is concluded, although it cannot be submitted until the application for admission is filed.

We hope this memo answers your questions. Further information is available from the websites noted above and questions may be directed to Assistant Dean Tom Schoenherr (tschoenherr@fordham.edu).
NEW YORK 50 HOUR PRO BONO RULE

Persuant 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.

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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