

COURT OF APPEALS OF THE STATE OF NEW YORK

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PART 520. RULES OF THE COURT OF APPEALS FOR THE ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW

§ 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 a jurisdiction, provided that the supervisory work does not violate any statute, regulation or code regarding the unauthorized practice of law; 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 must be performed on or after May 1, 2012 and after the commencement of the applicant's legal studies, and prior to filing an application for admission to the New York State bar. However, if the applicant attended an approved law school as defined in section 520.3(b) of this Part and will be admitted on or before December 31, 2015, eligible pro bono work may have been performed before May 1, 2012, provided it was performed after the commencement of the applicant's legal studies.

(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.

§ 520.17 Pro Bono Scholars Program

(a) General. The Pro Bono Scholars Program is a voluntary component of legal education that provides law student participants in their final semester of study with an opportunity to assist in improving access to justice for persons of limited means while acquiring practical legal skills training. The program is administered by the Chief Administrator of the Courts or a designee and provided through approved law schools in the United States.

(b) Eligibility. A student may participate in the Pro Bono Scholars Program upon proof that:

(1) the student is enrolled in the final semester of law school study in a first degree in law program at an approved law school in the United States, as that term is defined in section 520.3 of this Part, and satisfies any eligibility requirements set by the student's law school; and

(2) upon successful completion of the Pro Bono Scholars Program the student will have satisfied:

(i) the instructional and academic calendar requirements of section 520.3(c) and (d) of this Part; and

(ii) the necessary requirements for graduation at the student's law school, and will be awarded a first degree in law.

(c) Program requirements. A student enrolled in the Pro Bono Scholars Program must complete:

- (1) the New York State bar examination administered during the final semester of the student's law school study;
- (2) at least 12 weeks of full-time pro bono work at a placement approved by the student's law school and the Chief Administrator or a designee, where such work will be supervised by an attorney admitted to practice in the jurisdiction where the work is performed and by a faculty member of the student's law school; and
- (3) a concomitant academic component at an approved law school in the United States, and any other academic requirements set by the student's law school.

(d) Law school credit. A student who completes the Pro Bono Scholars Program must receive at least 12 academic credits for participation in the program.

(e) Pro bono service defined. For purposes of this section, pro bono service is full-time supervised law-related work that assists in the provision of legal services for:

- (1) persons who are financially unable to pay for legal representation;
- (2) not-for-profit legal service providers that predominantly address the legal needs of indigent clients where the work performed is for such clients; or
- (3) governmental entities, so long as the work performed is on behalf of unmet legal needs prevent their access to justice.

(f) Bar examination and accelerated admission to the bar. A student who participates in the Pro Bono Scholars Program must complete the New York State bar examination during the student's final semester of law study, provided the student's law school submits certification to the New York State Board of Law Examiners that the student, upon successful completion of the Pro Bono Scholars Program, will meet the requirements of section 520.3(c) and (d) of this Part and will be awarded a first degree in law. The State Board of Law Examiners shall not certify the student for admission to the bar pursuant to section 520.7(a) of this Part until the student has presented proof that the student has successfully completed the Pro Bono Scholars Program and has been awarded a first degree in law.

(g) Noncompliance. A student enrolled in the Pro Bono Scholars Program must complete all program requirements by the date established by the Chief Administrator or a designee and by the student's law school. The deadline for program compliance may be extended only in exceptional circumstances and upon a written request by the student's law school, submitted to the Chief Administrator or a designee, setting forth the specific reasons for the student's inability to timely complete the program. The determination whether to extend the deadline is within the discretion of the Chief Administrator or a designee. Absent a showing of exceptional circumstances, the failure to complete the program requirements by the deadline will result in the student's bar examination results being voided.

(h) Delegation of authority. The administrative power for the implementation and oversight of the Pro Bono Scholars Program, including, without limitation, the power to set forth requirements for the program's operation not inconsistent with any provision of this section, is vested in the Chief Judge or the Chief Administrator.

§ 520.18 Skills Competency Requirement for Admission

(a) General. Every applicant for admission to practice, other than applicants for admission without examination pursuant to section 520.10 of this Part, or applicants who qualify for the bar examination under section 520.4 or 520.5 of this Part, shall demonstrate that the applicant possesses the skills and values necessary to provide effective, ethical and responsible legal services in this State. An applicant may satisfy this requirement by submitting proof of compliance with one of the following five subdivisions.

(1) Law school certification of competence in skills and professional values.

(i) An applicant may submit from an American Bar Association-approved law school a certification confirming that:

(a) the law school has developed a plan identifying and incorporating into its curriculum the skills and professional values that, in the school's judgment, are required for its graduates' basic competence and ethical participation in the legal profession, as required by American Bar Association Standards and Rules of Procedure for the Approval of Law Schools Standard 302(b), (c) and (d), and has made this plan publicly available on the law school's website; and

(b) the applicant has acquired sufficient competency in those skills and sufficient familiarity with those values.

(ii) For purposes of this subdivision, a school may certify that an applicant has attained the required skill level if the graduate received a grade that the school considers sufficient to demonstrate competence in courses the school has designated as teaching the skills and professional values needed for basic competence and ethical participation in the legal profession.

(iii) A law school may adopt such other means of assessing its students' achievement of the required skills for purposes of this subdivision, provided the school receives the prior approval of the Court of Appeals.

(2) Law school certification of credit acquisition. An applicant may submit a certification from the applicant's approved law school confirming that the applicant enrolled in and successfully completed 15 credit hours, as defined by American Bar Association Standards for the Approval of Law Schools, of practice-based experiential coursework designed to foster the development of professional competencies. The 15 credits may be earned in whole or half credits.

(i) For purposes of this subdivision, practice-based experiential coursework is coursework that:

(a) develops the concepts underlying the practice competencies being taught;

(b) provides opportunities for performance by the student other than traditional classroom discussion;

(c) provides for regular individualized student feedback from a faculty member; and

(d) provides opportunities for student self-reflection.

(ii) Practice-based, experiential coursework includes, but is not limited to, those courses designated by a school as "experiential courses" under American Bar Association Standards for the Approval of Law Schools.

(iii) A law school may not count toward this requirement the first four credits earned in an introductory first-year legal research and writing class, first-year moot court class, or any combination thereof.

(iv) A student may earn up to six of the fifteen required credits through law school certified non-credit bearing summer employment supervised by an attorney in good standing in any state or territory of the United States or the District of Columbia. The supervising attorney must certify to the law school the beginning and ending dates of the employment, that the student satisfactorily completed the employment, and that the work experience: provided the student with an initial orientation session; implemented a system for assignments that assured that the student was actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period; provided the student with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; gave the student timely oral and written feedback; and engaged the student in reflection on his/her experiences and learning during the employment. At least 50 hours of full-time employment is required for each substituted credit under this subdivision.

(v) Alternative method of compliance. If the law school does not submit the certification as required in paragraph (2), the applicant may submit evidence to the Court of Appeals that the requirements of this subdivision have been met by providing a list of the practice-based experiential courses taken by the applicant, the credits awarded, and the course descriptions and/or other information demonstrating that each course meets the requirements of this subdivision. Upon concluding that the applicant has submitted sufficient proof of compliance with this subdivision, the Court shall issue a determination to that effect.

(3) Pro Bono Scholars Program. An applicant who has successfully completed the Pro Bono Scholars Program as prescribed in section 520.17 of this Part shall be deemed to have met the skills competency requirement.

(4) Apprenticeship. An applicant may complete a six-month full-time paid or unpaid apprenticeship in a law office in the United States, under the supervision of one or more attorneys who have, for at least two years, been admitted to practice and in good standing in the jurisdiction where the apprenticeship occurs. For an applicant who is unable to secure an apprenticeship in the United States, the applicant may complete the apprenticeship in a law office in another country, territory or

commonwealth outside the continental United States, under the supervision of one or more attorneys who have, for at least two years, been in good standing and authorized to practice law in that country, territory or commonwealth. In countries, territories or commonwealths that permit the practice of law without formal admission, supervision by a law graduate who has not been formally admitted to the bar may suffice as long as the supervisor is authorized to engage in the relevant practice under the jurisdiction's rules, is in full compliance with the jurisdiction's rules, and has had at least two years of experience in the relevant practice.

(i) Timing. The apprenticeship shall be continuous for the six-month period, and shall commence after the conclusion of the applicant's law studies, except that an applicant who is required to complete an LL.M. program at an approved law school pursuant to section 520.6(b) of this Part may complete the apprenticeship before commencing the LL.M. program. The apprenticeship must be completed in its totality before the three-year application filing deadline provided in section 520.12(d) of this Part has elapsed.

(ii) Supervisor responsibilities. Apprenticeship supervisors are responsible for (1) certifying the beginning and ending dates of the apprenticeship; (2) providing the applicant with an initial orientation session; (3) implementing a system for assignment that assures that the applicant is actually engaged in the performance of legal work, including a diversity of tasks, as part of the ongoing practical work of the law office during normal business hours and throughout the required period; (4) providing the applicant with experience and guidance in the skills and values required for basic competence and ethical participation in the legal profession; (5) giving timely oral and written feedback to the applicant; (6) engaging the applicant in reflection on his/her experiences and learning during the apprenticeship; and (7) certifying that the preceding elements have been complied with, and that the applicant has satisfactorily completed the apprenticeship.

(iii) Any apprenticeship completed under this paragraph shall be conducted in compliance with all applicable federal, state and local laws and regulations.

(5) Practice in another jurisdiction. An applicant who has been authorized to practice law in another United States jurisdiction or any other country, territory or commonwealth outside the continental United States may satisfy the skills competency requirement by establishing and submitting proof that the applicant has been in good standing and practiced law in that jurisdiction full-time for at least one year or half-time for two years following the applicant's authorization to practice. Prior legal practice may qualify even if it occurred without formal admission to the bar if the applicant engaged in lawful practice in a country, territory or commonwealth that permits legal practice without formal admission to the bar, and if the prior practice was for at least one year or half-time for two years, in full compliance with the jurisdiction's rules. For an applicant who qualifies for the bar exam after completion of an LL.M. degree pursuant to section 520.6 of this Part, the applicant's practice may occur before or after commencement of the LL.M. program.

(b) Proof required. An applicant shall submit to the appropriate Appellate Division department of Supreme Court an Affidavit of Compliance with the Skills Competency Requirement. The Appellate Division may, in its discretion, require the applicant to submit any additional proof it deems necessary to ensure compliance with this section.

(c) Implementation. For applicants who qualify for the bar examination under section 520.3 of this Part, and for applicants who qualify for the bar examination under section 520.6 of this Part on the basis of their foreign legal education alone, the requirements of this section shall first apply to those commencing their law study after August 1, 2016. For applicants who qualify for the bar examination under section 520.6 of this Part after the completion of a qualifying LL.M. program, the requirements of this section shall first apply to those commencing their LL.M. program after August 1, 2018.