

# Pro Bono and the Aspiring New York Lawyer: What You Need to Know

By Sarah E. Gold

Lewis Powell Jr., a former U.S. Supreme Court Justice, once said, "Equal justice under law is not merely a caption on the facade of the Supreme Court building, it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists... it is fundamental that justice should be the same, in substance and availability, without regard to economic status."

It is in that vein that Chief Judge Lippman announced on May 1, 2012 his intent to require all prospective attorneys in New York to perform 50 hours of pro bono before allowing them to gain their law licenses in New York State.

The proposed Pro Bono Requirement rule was formulated by the Advisory Committee on Pro Bono Bar Admission Requirements ([http://www.nycourts.gov/press/pr2012\\_03.shtml](http://www.nycourts.gov/press/pr2012_03.shtml)) after receiving comments from law schools and students, bar associations, attorneys, providers of legal services to low-income individuals and other interested parties. The Court of Appeals adopted section 520.16 to Part 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, which sets forth the 50-hour requirement (*see* 22 NYCRR 520.16).

For those currently in law school, what does this mean? If you are currently enrolled at an ABA-approved law school and you expect to be admitted to practice in New York after January 1, 2015, you will need to complete 50 hours of qualifying pro bono work before you apply for admission to the New York bar. Law school graduates who pass the bar examination and are admitted to the New York bar before January 1, 2015 are not subject to the pro bono requirement.

Your qualifying pro bono work must be completed before you submit your Application for Admission to the appropriate Appellate Division of the New York Supreme Court. For those in the First Department, that means filing after you have received your bar exam results and you have been issued your certification of bar passage. In the Second, Third and Fourth Departments, you can file after you take the bar examination, regardless whether your examination results have been announced.

The range of what is considered pro bono for this requirement is quite broad. Ultimately, the work must be law-related. That being said, this is not a rubber stamp for the unauthorized practice of law (UPL). In fact, in recent news, UPL causing more than \$1,000 in damage to a client is a felo-

ny in New York beginning November 1, 2013. To prevent this, any pro bono work must be performed under the supervision of an attorney admitted to practice and in good standing with the bar in the jurisdiction in which the work is performed, a law school faculty member, or in the case of a clerkship or externship in a court system, by a judge or an attorney employed by the court system. The person in the supervisory role must certify the hours in order for them to count. An extensive list of what does and does not qualify can be found in a FAQ set forth by the courts here: <http://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf>.

While pro bono is an aspirational tenet for attorneys set forth in Rule 6.1 of the New York Rules of Professional Conduct, for those not yet licensed this is now a requirement. As such, plan accordingly. There would be nothing worse than having your career derailed before it began for lack of pro bono hours.

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