

# Pushing the Envelope on Pro Bono: The New York Judiciary's Initiatives in Legal Education

By Chief Judge Jonathan Lippman

## I. The Crisis in Civil Legal Services for the Poor

It is often in times of hardship and adversity that innovations in policy reach new heights. When I was sworn in as chief judge in February 2009, it had only been a few months since the collapse of Lehman Brothers and the height of the global financial crisis. The effect of the economic crisis was reverberating around the globe, yet it was most acutely felt among the low-income individuals and families in New York. From my 40-year tenure in the courts, I knew that multitudes of unrepresented litigants came to the New York courts without access to legal help in cases concerning the most basic necessities of life. The justice gap, the difference between the level of civil legal assistance available and the level that is necessary to meet the legal needs of the poor and near poor, considerably widened in the aftermath of the events of Fall 2008, as the ranks of the poor swelled and government funds for services dried up. Even currently, in the midst of the economic recovery, more than one-third of New Yorkers live at or below 200 percent of the poverty level, the benchmark for receiving civil legal services grants and other benefits.<sup>1</sup> Meanwhile, declining tax revenue has translated into dramatic cuts to health care, services to the elderly and disabled, and other aspects of government-funded public services for the poor.<sup>2</sup>

The economic recession exacerbated the already untenable situation in civil courtrooms across the state. Each year, more than 2.3 million litigants throughout New York are unrepresented in civil cases.<sup>3</sup> As measured in 2010, over 98 percent of tenants were unrepresented in eviction cases in New York.<sup>4</sup> Additionally, a shocking 99 percent of borrowers were unrepresented in consumer credit cases in New York City, and over 95 percent of parents were unrepresented in child support matters.<sup>5</sup> Millions of New Yorkers fighting for the custody of a child, facing eviction or foreclosure, or seeking access to health care, education, and subsistence income, were forced to navigate the state's complex court system without representation. At the same time, funding for civil legal services declined on the federal and state level when it was needed the most. The Interest on Lawyer Account Fund of New York State ("IOLA") fell from \$32 million annually to less than \$8



million as interest rates plummeted.<sup>6</sup> The Legal Aid Society in New York City, the premier legal services organization in the country, "turn[ed] away eight of every nine people seeking help with civil legal matters" following the economic downturn.<sup>7</sup>

In response to these challenges, I formed the Task Force to Expand Access to Civil Legal Services in New York and convened annual hearings to assess the level of unmet need for legal representation in civil proceedings involving fundamental human necessities.<sup>8</sup> The Task Force was charged with preparing a report based on the testimony from hearings throughout the state and issuing recommendations to the Chief Judge, the Legislature, and the Executive about the public resources needed to meet the civil legal needs of the poor. As a result, the Judiciary has been able to obtain critical state funding for civil legal services over the past four years, growing from 0 to \$27.5 million, to \$40 million, to \$55 million, and now \$70 million in much-needed funds for the 2014-2015 Judiciary budget.<sup>9</sup> This funding has been crucial in the Judiciary's collective effort to close the justice gap, yet it only has been one component of a multi-faceted approach to promote access to justice.

A central and necessary factor in bridging the vast justice gap is the role of pro bono service to the poor within the legal profession, and a new, creative strategy to encourage pro bono work was vital given the great need for civil legal help in cases involving the essentials of life. For centuries, pro bono service for those in need has been an integral part of the legal profession. The American Bar Association's Model Rule 6.1 states, "Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono public legal services per year."<sup>10</sup> New York's Rules of Professional Responsibility echo the ABA's Model Rules in strongly encouraging lawyers to provide pro bono legal services to benefit poor persons.<sup>11</sup> While many lawyers in New York have embraced a culture of service and use their skills and position to provide for the justice needs of those less fortunate, the harsh reality is that the voluntary efforts of the bar, however commendable on the part of many attorneys, are far from sufficient to meet the civil legal needs of the poor. A report to the Chief Judge by the Marrero Committee in 1990 estimated that no more than 10 to 15 percent of admitted attorneys participate in efforts to render professional services to poor persons.<sup>12</sup> A statewide survey of the pro bono activities of the New York bar in 2002 found that less than 50 percent of New York's lawyers provided some pro bono service, and only 26.5 percent of attorneys

provided over 20 hours of service.<sup>13</sup> Though some current estimates indicate that the bar annually contributes 2.5 million hours of pro bono work, the civil legal needs of the poor are simply too numerous compared to the availability of assistance. Despite all the valuable work of those who selflessly answer the call, it became necessary to think outside the box to mine untapped legal resources to address the ever-increasing need, particularly in regard to academia and the role it can and should play in access to justice. Law schools are the perfect place to ensure that the next generation of lawyers are values-driven and full partners in addressing the crisis in access to justice.

## II. The 50-Hour Pro Bono Rule and Its Implementation

On May 1, 2012, I announced in my Law Day address that prospective attorneys to the New York bar will be required to spend 50 hours performing pro bono work before gaining admission to the bar. The pro bono admission requirement was formed in response to the crisis in access to justice and with the goal of helping prospective attorneys build important skills while inculcating them with the core values of the profession—first and foremost of which is service to others. The 50-hour rule did not emerge in a vacuum. For many years, the New York State Bar Association, the City Bar, the New York County Lawyers' Association, and many other local and statewide bar associations have operated programs to encourage their membership to volunteer their time and resources to provide legal aid to those in need. Law schools in New York and around the nation have also encouraged pro bono practice for decades, as well as spurring law students to seek out careers in public service.<sup>14</sup> And for years, there has also been vigorous debate on how to better prepare law students for law practice given the difficult job market for new attorneys and the reduced opportunities for legal training. The 50-hour rule emerged as a natural outgrowth of the existing pro bono programs for licensed New York attorneys and for law students and as a creative way to address the dire need for civil legal services for the poor.

In my experience, there are two approaches to implementing significant policy changes in the Judiciary. One way is to collect input, to conduct detailed research, and to build consensus before proceeding in a new course. Alternatively, in instances where a policy issue is so basic to our professional responsibility and our obligation to pursue justice, I believe strong leadership should be demonstrated at the outset by announcing with great strength and conviction the direction that will be taken. Then, detailed feedback is gathered in order to draft and shape the particulars of the actual new rule. In issuing the 50-hour rule, I believed the importance of promoting access to justice and cultivating a culture of service among future lawyers was absolutely fundamental to the constitutional mission of the courts to promote equal justice. Therefore, it was not a question of measuring the popular-

ity of the rule or taking a poll or vote as to the wisdom of requiring law students to do 50 hours of pro bono work during law school. Instead, I announced my intention and decided to fill in the canvas later! While critics argued that the 50-hour pro bono rule imposed too onerous of a burden on law students in the midst of an economic recession, I countered that getting students to understand the core values of the profession outweighed any modest inconvenience the students faced. Law students have nearly three-and-a-half years to fulfill the requirements of the 50-hour rule, which can be accomplished easily with a little more than a week's worth of work. Moreover, law schools, partnering with legal service organizations, have provided manifold opportunities for students to meet the requirement.

The initiative was designed so that law students would demonstrate before they are admitted to the Bar that they understand what it means to be part of the legal profession, which entails a responsibility to the community. Learning the value of giving back to the community as a lawyer is just as important as learning the basic principles of Torts and Contracts. Performing 50 hours of legal service at the dawn of their legal careers helps to imbue new lawyers with lifelong habits, and providing legal services for the poor gives young people a window into the real world, building empathy and understanding for the less fortunate. In my view, pro bono must become a part of the DNA of new lawyers and be part of the very fiber of their beings, so the question of whether or not to do pro bono will no longer be a point of contention for the next generation of lawyers.

In the weeks following the Law Day announcement, I appointed the Advisory Committee on New York State Pro Bono Bar Admission Requirements, a group that represented all the stakeholders interested in the formulation of the pro bono requirement for bar admission.<sup>15</sup> The Committee was co-chaired by Judge Victoria A. Graffeo, then-Associate Judge of the New York Court of Appeals, and Alan Levine, a practicing lawyer and former Chair of the Legal Aid Society.<sup>16</sup> The group was composed of current and former law school deans, representatives of legal service providers throughout the state, members of the judiciary, pro bono counsel from law firms, and state and local bar leaders.<sup>17</sup>

In my years of experience as a court administrator and a judge, I knew that launching a truly innovative program often generates controversy and some pushback. It was fundamentally important that the relevant stakeholders supported the initiative in order for it to succeed, and soliciting comments was crucial to engaging the law schools, legal service providers, law firms, and other players and for making sure that the 50-hour rule would be practical and workable. The Committee was tasked with gathering feedback and comments on the 50-hour rule and drafting recommendations for the parameters of the rule and its implementation. The Advisory Committee specifically recommended that qualifying pro bono work

must be law-related, that the Court of Appeals should permit work that is performed outside of New York, and that mandatory supervision of pro bono work was essential.<sup>18</sup> The Court of Appeals carefully scrutinized the Advisory Committee's recommendations and considered them in creating the contours of the 50-hour rule. I was encouraged to hear from the Advisory Committee that while many of the law schools had initial concerns about the 50-hour rule, they all expressed their commitment to the initiative and promoting access to justice.

The New York Court of Appeals approved Rule 520.16 of the Court of Appeals for the Admission of Attorneys and Counselors at Law on September 14, 2012, and the rule applied immediately to students then in their first and second years of law school.<sup>19</sup> The rule lays out that beginning on January 1, 2015, applicants to the New York State Bar must complete 50 hours of qualifying pro bono service prior to seeking admission to the New York Bar and must submit affidavits of compliance attesting that they have done so.<sup>20</sup> Rule 520.16 defines pro bono service as the provision of legal services for persons of limited means; non-profit organizations; or individuals or groups seeking to secure or promote access to justice.<sup>21</sup> Providing legal assistance to a judicial, legislative, executive, or other governmental entity also qualifies as pro bono service under the definition of the rule.<sup>22</sup> As the first state in the nation to implement such a pro bono admission requirement, it required New York's judiciary to confront issues of first impression such as what type of pro bono work would fulfill the 50-hour requirement, how to match students to pro bono opportunities, how to track the number of pro bono hours, and how to track the quality of the pro bono experience.

Moreover, an immense number of candidates—nearly 16,000 in 2013—take the New York bar exam each year,<sup>23</sup> and the judiciary had to consider that the candidate pool includes students from other states as well as many foreign jurisdictions. New York tests more foreign-educated candidates than any other jurisdiction in the country,<sup>24</sup> and in 2013, foreign-educated candidates comprised almost 30 percent of all bar exam takers.<sup>25</sup> The Advisory Committee engaged in extensive discussion about how to accommodate such a challenging and diverse constituency of bar admission candidates, where the majority of test takers come from out-of-state law schools.<sup>26</sup> The Court of Appeals ultimately decided that the 50-hour requirement should apply to all applicants to the New York Bar and that the qualifying pro bono work can take place outside of New York, including foreign countries. Candidates simply are asked that if the pro bono work is completed outside of the United States, that they “explain in detail the nature and circumstances of [their] work as part of [the] application for admission.”<sup>27</sup>

Even if applicants to the New York Bar do not intend to practice in New York or end up performing their qualifying work out of state, the goals of the 50-hour rule are still vitiated because once the candidates experience the

intrinsic rewards that come from helping others through pro bono service, many of them will be hooked for life on the joy of using their legal skills to help those most in need. The dividends from their future pro bono service as licensed attorneys will provide enormous benefits to those desperately in need of legal help, and the positive impact on persons of limited means, communities, and organizations that gain from this infusion of pro bono work is immeasurable.

By requiring, as a condition for admission to the bar and the practice of law, that applicants demonstrate 50 hours of participation in law-related and uncompensated pro bono service, the New York Judiciary is sending a very strong message that assisting in meeting the urgent need for legal services is a necessary and essential qualification to becoming a lawyer. Law students, practicing lawyers, and the entire legal community must understand service to others is an indispensable part of legal training, and all new attorneys in New York are now required to show their commitment to the legal profession's ideals.

Contributions by bar applicants located in New York alone will provide as much as an additional half million hours of pro bono legal services to those in dire need of legal assistance in the Empire State and also will help prospective attorneys build valuable skills and acquire the practical experience crucial to becoming a good lawyer. Newly minted lawyers are simply better at their jobs when they receive direct experience in the practice of law, and the 50-hour rule provides that all qualifying legal work must be supervised by an experienced attorney. The Advisory Committee noted that practicing lawyers supervising the pro bono work “have an important mentoring function” and also suggests that bar associations create programs to facilitate mentorship relationships.<sup>28</sup> Under appropriate supervision, law students will have the opportunity to assist families facing eviction or foreclosure, draft contracts for fledgling not-profits, help victims of domestic violence, or help state and local government entities in times of economic stress. Through these experiences, law students will access real-world lessons that are part of an important foundation for successful law practice.

### III. Advancing a National Conversation on Pro Bono Bar Admission Requirements

Since the Court of Appeals approved the 50-hour pro bono admission rule in New York, it has propelled forward the national dialogue regarding how to prepare new lawyers for the practice of law with pro bono work, the importance of inculcating them with the values and ethics of the profession, and the impact on narrowing the justice gap. Various states around the country have already begun to discuss implementation of the 50-hour rule.

A California State Bar Task Force recommended adopting New York's 50-hour pro bono service requirement in a report issued in mid-2013.<sup>29</sup> The Task Force on Admissions Regulation Reform relied on a 2010 Core

Competencies study published by the National Organization of Bar Counsel and the Association of Professional Responsibility Lawyers that examined past legal education and competency studies including the 1992 MacCrate Report, the 2007 Carnegie Report, the 2007 Stuckey Report, and others.<sup>30</sup> The 2010 Core Competencies study concluded that programs designed to help law students transition to full-time legal practice must focus on competencies such as problem solving, exercising good judgment, client relations, time management, communication, and the ability to see multiple points of view.<sup>31</sup> The California Task Force Report determined that training for new lawyers must become more practice oriented and that pro bono and modest means representation should be part of a well-rounded competency training program.<sup>32</sup> The Report also noted that New York's 50-hour rule depends heavily on a high level of supervision by experienced attorneys as law students perform their qualifying work and drew from New York's example to recommend that newly admitted California attorneys complete 10 hours of CLE courses on competency training or participate in a certified mentoring program.<sup>33</sup> The State Bar of California is currently in the process of implementing a 50-hour pro bono service requirement for new attorneys, tentatively to go into effect in 2016.<sup>34</sup> The California proposal differs slightly from New York's pro bono rule in that it allows new attorneys to satisfy the 50 hours of pro bono service after admission in the first year of licensure and includes service to people of modest means in addition to the poor.<sup>35</sup>

In addition to the promising progress in California, the Conference of Chief Justices passed a resolution in July 2013 referencing New York's 50-hour rule and encouraging the Chief Justice of each state to discuss proposals that would require law students to perform pro bono service as a condition of admittance to their state bar.<sup>36</sup> The Chief Justices' Resolution acknowledged that "pro bono services performed by law students during law school are a form of essential training which provide students with a real opportunity to learn about the law, the courts, and the students' own professional responsibility for helping to assure access to justice."<sup>37</sup> Earlier in 2013, I had the opportunity to give a presentation during the conference of chief justices about the 50-hour rule, and I spoke with numerous other chief justices about New York's rule. New York has been a successful incubator of many cutting-edge programs in the fight for access to justice, and it is my hope that other states will follow our lead in regard to the 50-hour requirement.

Chief Justice Stuart Rabner of New Jersey formed a working group in October 2012 to consider a pro bono requirement for admission to the New Jersey bar.<sup>38</sup> The Working Group's April 2013 Report noted that New York's 50-hour preadmission requirement influenced New Jersey's decision to investigate its own bar admission requirement since a significant number of students take both the New York and New Jersey bars.<sup>39</sup> The Working Group determined that New Jersey should require bar applicants to perform 50 hours of preadmission pro bono

work to fulfill the objectives of serving the growing population of those unable to afford legal services, providing law students with legal experience assisting underserved populations, instilling prospective attorneys with a career-long habit of performing pro bono service, and ensuring that the court's adversarial system is able to operate as intended.<sup>40</sup> Currently, the Working Group's proposal is still under consideration by the Supreme Court of New Jersey.<sup>41</sup>

Similarly, a committee of Connecticut's Access to Justice Commission has recommended that the Connecticut Judicial Branch convene an exploratory task force with representatives from the Connecticut Bar Examining Committee and Connecticut law schools to consider whether to implement a 50-hour pro bono bar admission requirement.<sup>42</sup> However, the chairman of the judicial branch's pro bono committee, Judge William Bright Jr., commented that Connecticut was not pursuing such a rule and instead planned on working with individual law schools to look for ways to involve students in pro bono.<sup>43</sup>

Montana's Access to Justice Commission has also investigated whether to require 50 hours of pro bono service for admission to the bar. Its current recommendation to the Montana Supreme Court is that all bar applicants submit a report of their pro bono service during the three-year period preceding their admission.<sup>44</sup> The mandatory reporting requirement would apply even if the bar applicant has no hours to report,<sup>45</sup> essentially creating an expectation but not requiring that candidates complete pro bono service.

The uptake of the 50-hour rule has been progressing, and momentum is gradually building on bar preadmission pro bono. Most recently, the ABA has modified its interpretation of the standard pertaining to pro bono work by suggesting that law schools aspire to have each student perform 50 hours of pro bono.<sup>46</sup> The ABA's interpretation of Standard 303(b) now reads, "law schools are encouraged to promote opportunities for law students to provide at least 50 hours of pro bono service over their law school careers that complies with 303(b)(2)."<sup>47</sup> The ABA Council of the Section of Legal Education and Admissions to the Bar acted after receiving a petition from more than 600 law students and graduates from around the country supporting the concept of an aspirational pro bono target for law school.<sup>48</sup> Furthermore, advocates continue to urge the ABA to modify its accreditation standards to specify the number of pro bono hours law students must perform in order to graduate.<sup>49</sup>

Movement toward a pro bono bar requirement in other states, the resolution by the chief justices, and the work to modify the ABA's accreditation standards are all part of a wave of action in response to New York's first-of-its-kind, 50-hour rule. Though not all may agree with the rule, commentators have noted that the 50-hour rule is "a groundbreaking development" that is reshaping the bar admission landscape and that "will certainly change the way that many law students across the nation are introduced to pro bono and public service."<sup>50</sup> With New York

as the trailblazer, I believe that more states in the near future will take the path we have chosen to engage aspiring lawyers to achieve equal justice for all.

#### IV. Pro Bono Scholars Program

As an outgrowth of the 50-hour pro bono admission requirement, the New York State Judiciary has also pioneered a program called Pro Bono Scholars that gives law students an incentive to devote their entire last semester of law school to pro bono work, going far beyond the mandatory 50 hours and making a significant contribution to addressing the access to justice gap. The program was announced during the State of the Judiciary address in February 2014, and already, all fifteen New York law schools are offering the program to their rising third-year students.<sup>51</sup> Pro Bono Scholars from around the state will be devoting a semester to full-time pro bono work at a law school clinic, legal services organization, government agency, or law firm. In return for their semester-long service, the Scholars are permitted to sit for the February bar exam during their third year of law school and will be able to receive bar admission approximately seven months before their classmates who take the July bar exam. Early bar admission dramatically accelerates Pro Bono Scholars' entry into the job market and allows them to be in a position to start repaying any outstanding education loans.

Pro Bono Scholars will earn at least twelve academic credits for twelve weeks of work, and a key component of the Pro Bono Scholars Program is mandatory supervision by a licensed attorney. The goal is to have a supervising attorney who provides the student with meaningful training, oversight, instruction, and evaluation.<sup>52</sup> Many new law graduates have difficulty finding quality mentoring relationships and adequate practical training in their first job out of law school. The Pro Bono Scholars Program facilitates mentoring as students provide essential services to people in need. Additionally, there will be an academic component that gives students the opportunity to reflect on the work they are performing at the placement and to explore their ethical obligations.

In its inaugural year, about 150 students will participate in the program. Each New York law school is selecting its enrollees, whose names are submitted to the court system for approval. While some law schools will have their Pro Bono Scholars work full-time in an in-house clinic, others will be placing students in legal service organizations or law firms.<sup>53</sup> The court system is also proud to have Pat Bucklin, former executive director of the New York State Bar Association, to serve as executive director of pro bono services and to oversee the Pro Bono Scholars Program. I am confident that the Program will be a great success.

Like the 50-hour rule, the intent behind the Pro Bono Scholars Program is to instill in future members of the New York Bar the value of public service to the poor, to provide the opportunity to develop valuable legal skills that will prepare them for the practice of law, and to make a meaningful contribution to bridging the justice gap with

an infusion of civil legal services for the poor. New York's efforts in increasing pro bono service among prospective attorneys is only one portion of a broader strategy to improve access to justice, which includes increasing funding for civil legal services, facilitating assistance by non-lawyers, pursuing untapped legal talent, expanding resources for self-represented litigants, and many other initiatives. The cause of equal justice is worthy of New York's resources, attention, and our most creative thinking given how fundamental it is to a well-functioning society and to the legal profession. Though it may entail making sacrifices and require great persistence to achieve change in a tradition-bound profession, the stakes are much too high to sit on our laurels and to be satisfied with the status quo. I strongly believe that both the 50-hour pro bono rule and the Pro Bono Scholars Program will have a significant impact on future generations of lawyers by mobilizing them to embrace a culture of service. With such new and innovative thinking, we can help to reform and revitalize legal education and the legal profession to adapt to society's changing needs.

#### Endnotes

1. According to the American Community Survey by the U.S. Census Bureau in 2012, 6.29 million New Yorkers are at or below 200 percent of the poverty level, which constitutes 34.5% of New York's estimated population. *Poverty Status in the Past 12 Months: 2012 American Community Survey 1-Year Estimates—New York*, U.S. CENSUS BUREAU AM. FACTFINDER, [http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_12\\_1YR\\_S1701&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_12_1YR_S1701&prodType=table) (last visited Sept. 4, 2014).
2. See NICHOLAS JOHNSON ET AL., CTR. ON BUDGET & POLICY PRIORITIES, AN UPDATE ON STATE BUDGET CUTS 1 (2011), available at <http://www.cbpp.org/files/3-13-08sfp.pdf>.
3. TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 2 (2013) [hereinafter TASK FORCE REPORT 2013], available at [http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceReport\\_2013.pdf](http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceReport_2013.pdf).
4. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 1 (2010) [hereinafter TASK FORCE REPORT 2010], available at <http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT.pdf>.
5. *Id.*
6. *Id.*
7. Anne Barnard, *Top Judge Makes Free Legal Work Mandatory for Joining State Bar*, N.Y. TIMES, May 1, 2012, at A21.
8. TASK FORCE REPORT 2010, *supra* note 4, at 1–3.
9. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVS. IN N.Y., REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 5 (2011), available at [http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-2011TaskForceREPORT\\_web.pdf](http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-2011TaskForceREPORT_web.pdf); TASK FORCE REPORT 2013, *supra* note 3, at 2; *2014-2015 Budget Request*, N.Y. UNIFIED COURT SYS., <https://www.budget.ny.gov/pubs/executive/eBudget1415/agencyPresentations/pdf/Judiciary.pdf> (last visited Sept. 26, 2014); Kelly Knaub, *N.Y. Governor Approves \$1.8B Judiciary Budget Request*, LAW360 (Apr. 14, 2014), <http://www.law360.com/articles/527873/ny-governor-approves-1-8b-judiciary-budget-request>.
10. MODEL RULES OF PROF'L CONDUCT R. 6.1 (2014).
11. N.Y. RULES OF PROF'L CONDUCT R. 6.1 (2014).
12. Victor Marrero, *Committee to Improve the Availability of Legal Services—Final Report to the Chief Judge of the State of N.Y.*, 19 HOFSTRA L. REV. 755, 777 (1991).

13. See N.Y. STATE UNIFIED COURT SYST.'S PRO BONO CONVOCATIONS, 2 THE FUTURE OF PRO BONO IN NEW YORK 2 (2004), available at [https://www.nycourts.gov/reports/probono/proBono\\_Vol2\\_report.pdf](https://www.nycourts.gov/reports/probono/proBono_Vol2_report.pdf).
14. At the time of the announcement, two New York law schools already had mandatory pro bono requirements for graduation: Touro Law School and Columbia Law School. Other law schools outside of New York, such as Harvard, also required students to do pro bono work prior to graduation.
15. ADVISORY COMM. ON N.Y. STATE PRO BONO BAR ADMISSION REQUIREMENTS, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK AND THE PRESIDING JUSTICES OF THE FOUR APPELLATE DIVISION DEPARTMENTS 2 (2012) [hereinafter ADVISORY COMM. REPORT], available at <http://www.nycourts.gov/attorneys/probono/ProBonoBarAdmissionReport.pdf>.
16. *Id.*
17. *Id.*
18. *Id.* at 6, 7–8.
19. See Order Amending the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, R. 520.16 (Sept. 14, 2012), available at [https://www.nycourts.gov/attorneys/probono/Rule520\\_16.pdf](https://www.nycourts.gov/attorneys/probono/Rule520_16.pdf).
20. N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2012).
21. *Id.*
22. *Id.*
23. See *New York Bar Exam 2013 Statistics*, N.Y. STATE BD. OF LAW EXAM'RS, [http://www.nybarexam.org/ExamStats/2013\\_NY\\_Bar\\_Exam\\_Statistics.pdf](http://www.nybarexam.org/ExamStats/2013_NY_Bar_Exam_Statistics.pdf) (last visited Sept. 26, 2014).
24. ADVISORY COMM. REPORT, *supra* note 15, at 4.
25. See *New York Bar Exam 2013 Statistics*, *supra* note 23.
26. See ADVISORY COMM. REPORT, *supra* note 15, at 4.
27. *New York State Bar Admission: Pro Bono Requirement FAQs*, N.Y. STATE COURTS (Feb. 10, 2014), <http://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf>.
28. ADVISORY COMM. REPORT, *supra* note 15, at 8.
29. See STATE BAR OF CAL., TASK FORCE ON ADMISSIONS REGULATION REFORM: PHASE 1 FINAL REPORT 10–11, 25 (2013) [hereinafter PHASE I FINAL REPORT], available at [http://www.calbar.ca.gov/Portals/0/documents/bog/bot\\_ExecDir/ADA%20Version\\_STATE\\_BAR\\_TASK\\_FORCE\\_REPORT\\_%28FINAL\\_AS\\_APPROVED\\_6\\_11\\_13%29\\_062413.pdf](http://www.calbar.ca.gov/Portals/0/documents/bog/bot_ExecDir/ADA%20Version_STATE_BAR_TASK_FORCE_REPORT_%28FINAL_AS_APPROVED_6_11_13%29_062413.pdf).
30. *Id.* at 14; see generally EDWIN W. PATTERSON III & JONATHAN I. ARONS, JOINT NOBC/APRL COMMITTEE ON COMPETENCY: FINAL REPORT (2010).
31. See PHASE I FINAL REPORT, *supra* note 29, at 14; see also PATTERSON III & ARONS, *supra* note 30, at 5, 7, 10.
32. PHASE I FINAL REPORT, *supra* note 29, at 13, 15.
33. *Id.* at 11, 25.
34. *Task Force on Admissions Regulation Reform (TFARR): Phase II Implementation*, STATE BAR OF CAL., <http://www.calbar.ca.gov/AboutUs/BoardofTrustees/TaskForceonAdmissionsRegulationReform.aspx> (last visited Sept. 26, 2014).
35. PHASE I FINAL REPORT, *supra* note 29, at 25.
36. *Resolution 1: In Support of Encouraging Pro Bono Service in Law Schools*, CONFERENCE OF CHIEF JUSTICES (July 31, 2013), available at <http://ccj.ncsc.org/~media/Microsites/Files/CCJ/Resolutions/07312013-Support-Encouraging-Pro-Bono-Service-Law-Schools-CCJ.ashx>.
37. *Id.*
38. N.J. COURTS, REPORT OF THE WORKING GROUP ON THE PROPOSED PREADMISSION PRO BONO REQUIREMENT 1 (2013), available at [http://www.americanbar.org/content/dam/aba/administrative/legal\\_education\\_and\\_admissions\\_to\\_the\\_bar/council\\_reports\\_and\\_resolutions/june2013councilmeeting/2013\\_open\\_session\\_i5\\_new\\_jersey\\_proposed\\_pro\\_bono\\_requirement.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/council_reports_and_resolutions/june2013councilmeeting/2013_open_session_i5_new_jersey_proposed_pro_bono_requirement.authcheckdam.pdf).
39. *Id.*
40. *Id.* at 2, 6.
41. *Bar Pre-Admission Pro Bono*, AM. BAR. ASS'N, [http://www.americanbar.org/groups/probono\\_public\\_service/policy/bar\\_pre\\_admission\\_pro\\_bono.html](http://www.americanbar.org/groups/probono_public_service/policy/bar_pre_admission_pro_bono.html) (last visited Sept. 27, 2014).
42. See MELANIE B. ABBOT ET AL., REPORT TO THE CONNECTICUT JUDICIAL BRANCH ACCESS TO JUSTICE COMMISSION 19 (2013), available at <http://ncforaj.org/wp-content/uploads/2013/03/report-2-15-13-to-the-access-to-justice-commission-2-15-13.pdf>.
43. See Karen Sloan, *Pro Bono Mandate Gains Steam; California Mulls Joining New York in Linking Law Licenses to Unpaid Work*, NAT'L L.J., Apr. 22, 2013.
44. ACCESS TO JUSTICE COMM'N OF THE MONT. SUPREME COURT, FINAL RECOMMENDATIONS OF THE ACCESS TO JUSTICE COMMISSION ON PRO BONO REQUIREMENTS FOR NEW BAR ADMITTEES 4 (2013), available at <http://supremecourtdocket.mt.gov/view/AF%2011-0765%20Comments-Request%20-%20Order?id=%7b61D8D787-25FC-4D55-8782-0861E4C5B9BA%7d>.
45. See *id.*
46. See Mark Hansen, *Legal Ed Section Takes a Pass on Changing Tenure Provision in Accreditation Standards*, ABA J., June 1, 2014, available at [http://www.abajournal.com/magazine/article/legal\\_ed\\_section\\_takes\\_a\\_pass\\_on\\_changing\\_tenure\\_provision\\_in\\_accreditation/](http://www.abajournal.com/magazine/article/legal_ed_section_takes_a_pass_on_changing_tenure_provision_in_accreditation/); Radhika Singh Miller, *ABA Votes to Adopt Aspirational Pro Bono Goal for Law Students*, EQUAL JUSTICE WORKS (Mar. 18, 2014), <http://equaljusticeworks.org/news/blog/abaprobono>.
47. See *ABA Takes Step Toward Adopting 50 Hour Aspirational Goal for Pro Bono Service by Law Students*, NAT'L CTR. FOR ACCESS TO JUSTICE, CARDOZO LAW SCHOOL (Mar. 18, 2014), <http://ncforaj.org/2014/03/18/aba-takes-step-toward-adopting-50-hour-aspirational-goal-for-pro-bono-service-by-law-students/>.
48. Miller, *supra* note 46.
49. See Deborah Rhode & David Udell, *Clock's Ticking on ABA Pro Bono Requirement*, NAT'L L.J., Aug. 6, 2013, available at <http://ncforaj.org/wp-content/uploads/2014/04/NLJ-Rhode-Udell-op-ed-8-6-13.pdf>.
50. ABA STANDING COMM. ON PRO BONO & PUB. SERV., NEW YORK'S 50-HOUR PREADMISSION PRO BONO RULE: WEIGHING THE POTENTIAL PROS AND CONS 2 (2013), available at [http://www.americanbar.org/content/dam/aba/administrative/probono\\_public\\_service/ls\\_pb\\_preadmission\\_pro\\_bono\\_requirement\\_white\\_paper.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_preadmission_pro_bono_requirement_white_paper.authcheckdam.pdf).
51. Tania Karas, *Courts, Law Schools Gear Up for Pro Bono Scholar Program*, N.Y. L.J., July 9, 2014.
52. *Pro Bono Scholars Program Guide*, N.Y. STATE COURTS (Apr. 22, 2014), <http://www.courts.state.ny.us/attorneys/probonoscholars/ProBono-Scholars-Program-Guide-2014.pdf>.
53. See Karas, *supra* note 51.

**Jonathan Lippman is Chief Judge of the State of New York and Chief Judge of the Court of Appeals. He was appointed by Governor Paterson in January 2009 and confirmed by the New York State Senate in February 2009.**

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