

Pro Bono at Albany Law School: F.A.Q. Doc¹

This F.A.Q. doc should be used as a guide for basic questions about the pro bono mandate, and how it applies to Albany Law School.

Albany Law School offers a robust selection of programs that would meet the requirements of the pro bono mandate. Albany Law’s clinics, field placements, and Pro Bono Society projects all provide opportunities to meet the mandate requirements. Career Services and the Pro Bono Fellow program are available to assist students in finding other pro bono opportunities both on and off campus.

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What is the pro bono requirement?

1. Pursuant to 520.16 of the Rules of the Court of Appeals, applicants who successfully pass the bar examination in New York State must demonstrate that they have performed 50 hours of qualifying pro bono service before applying for admission to practice. The full text of Rule 520.16 is available at <http://www.nycourts.gov/ctapps>.
 - a. Any applicant who seeks admission to practice in New York after January 1, 2015 must satisfy the 50-hour requirement. By way of example, any student commencing legal studies at an ABA-approved law school in the Fall of 2012, or any time after that date, will be required to satisfy the Pro Bono Requirement before admission to the New York bar. The requirement need not be fulfilled before a law student applies to take the New York bar examination; rather, the 50 hours must be completed before filing an application for admission.
 - b. If you were enrolled at an ABA-approved law school in 2011 and you expect to be admitted to practice in New York after January 1, 2015, you will need to complete 50

¹ Much of this information comes directly from the NYS Court of Appeals FAQ page, which is available at: <http://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf>.

hours of qualifying pro bono work before you apply for admission to the New York bar. In other words, if you are in your second year of law school and plan to graduate in May 2014, take the New York bar examination in July 2014 and apply for admission sometime in the autumn of that year, you would be admitted after January 1, 2015. Therefore, you will need to show that you have satisfied the 50-hour rule when you apply for admission.

- c. 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. If you are graduating from law school in the spring of 2013 and you take and pass the July 2013 New York bar examination, you will not need to satisfy the Pro Bono Requirement, provided that you achieve admission to practice in calendar year 2014. If for any reason your admission occurs after January 1, 2015, you will need to comply with the Pro Bono Requirement.
- d. If you are an LL.M. candidate, you may complete your 50 hours of pro bono work either during or after your LL.M. course of study. You may elect to determine if you have passed the New York bar examination before you engage in qualifying pro bono work, but you must complete the requirements before applying for admission.

Who does the mandate apply to?

1. Who will have to complete the 50 hour requirement?
 - a. Every person who is seeking admission to the NYS bar on or after January 1, 2015 – except for applicants for admission without examination, *which is probably not you* - will have to complete 50 hours of requisite pro bono service. This means that current 1 & 2 L's will have to meet this mandate requirement. Additionally, anyone who delays seeking admission, by delaying taking the bar exam, or by having to re-take the exam, will have to complete the mandate hours prior to being admitted if they would be admitted on or after January 1, 2015 as a result of the delay.
 - b. The Pro Bono Requirement does not apply to attorneys who seek admission to the New York bar on motion pursuant to Rule 520.10 or those who are admitted pro hac vice pursuant to Rule 520.11.
2. Do students have to complete the requirement before they graduate?
 - a. No, students may complete the hours after they graduate with their Juris Doctorate, as long as the hours are completed prior to filing an application for admission to the NYS bar. This means that you could complete your requisite hours after you take the bar exam, while you are waiting for your results, for example.
3. May students take the bar exam before they complete the 50 requirement?
 - a. Yes, students may complete their hours any time after they have commenced their legal studies but before they file their application for admission to the NYS bar as long as the work does not violate any of your law school's regulations or policies about student employment or volunteer activities. Service completed prior to starting law school will

not count towards this mandate.

4. When must my qualifying hours be completed?
 - a. 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. In the First Department, your application may be filed after you have received your bar examination results and your certification of bar passage has been issued. In the Second, Third and Fourth Departments, your application may be filed after you have taken the bar examination, regardless whether your examination results have been announced.
 - b. Be advised that the application and any further materials required by the Appellate Division and its Committee on Character and Fitness must be filed within three years from the date that you are notified by the New York State Board of Law Examiners that you have passed the bar examination (see 22 NYCRR 520.12). The three-year period will not be extended if an applicant has delayed satisfying the Pro Bono Requirement. After three years your bar examination score will be deemed stale, and you must retake the bar examination.

5. Will special hardship waivers be granted relieving persons from having to comply with the Pro Bono Requirement?
 - a. Only applicants with exceptional circumstances will be considered for a hardship waiver under Court of Appeals Rule 520.14. Part-time law studies, full-time employment, status as an L.L.M. student, family obligations or other responsibilities, out-of-state or foreign residence, and other commonly experienced situations will not qualify for a hardship waiver.

What counts as pro bono work to meet the mandate requirements?

1. What types of work may I perform to meet the pro bono requirement?
 - a. Your work tasks must be law-related. The work must involve the use of legal skills *or* law-related activities that are appropriate for lawyers-in-training not yet admitted to practice – you *must* avoid the unauthorized practice of law. With adequate training and supervision, some examples of eligible activities include: helping a low-income person complete court forms; assisting an attorney with trial preparation; helping litigants prepare for court appearances; engaging in witness interviewing and investigation; participating in a community legal education project; drafting court or transactional documents; or engaging in legal research. You may also perform law-related assignments or make court appearances that are authorized under student practice orders issued by the Appellate Division of the New York Supreme Court for the specific program in which you are performing pro bono work.

- b. In general, qualifying pro bono work should be performed in the service of low-income or disadvantaged individuals who cannot afford counsel and whose unmet legal needs prevent their access to justice; involves the use of legal skills for an organization that qualifies as tax-exempt under Internal Revenue Code §501(c)(3); **or** involves the use of legal skills for the court system or federal, state or local government agencies or legislative bodies.
 - c. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
1. Does my field placement count?
 - a. Yes, field placements for credit count. All hours spent working at the qualifying law school sponsored field placement will qualify, but the hours you spent on instructional training should not exceed the time that you actually spend using legal skills. Also, travel or commuting time does not count. Your receipt of academic credit does not disqualify the work.
 2. Does my clinic work count?
 - a. Yes, clinics for credit count. All hours spent working at the qualifying law school clinic will qualify, but the hours you spent on instructional training should not exceed the time that you actually spend using legal skills. Also, travel or commuting time does not count. Your receipt of academic credit does not disqualify the work.
 - b. Law-school sponsored clinics that provide legal assistance to those who cannot afford representation count, such as clinics that:
 - i. assist individuals or families in matters involving the essentials of life -- housing, access to health care or educational services or the receipt of social services or other government assistance;
 - ii. represent the victims of domestic violence or elder abuse;
 - iii. represent persons with mental illness or disabilities;
 - iv. assist low-income persons with the preparation of tax returns;
 - v. represent incarcerated persons or pursue prisoner rights litigation;
 - vi. advocate for victims of alleged human rights violations or the protection of civil liberties; or
 - vii. litigate on behalf of classes of individuals who could not otherwise afford representation.
 3. Do my internships or externships count?
 - a. Yes, externship or internship placements count if they are with a
 - i. not-for-profit provider of legal services for the poor and low-income individuals;
 - ii. law firm, only if the work is performed for a pro bono matter being handled by that firm and the pro bono client is not paying a fee;
 - iii. not-for-profit organization, only if the work is related to a legal matter for which no fee is being paid;

- iv. judge or a court system;
 - v. Legal Aid, a civil or criminal legal services organization that serves low-income clients, a Public Defender, a Conflict Defender, a U.S. Attorney, a District Attorney or a State Attorney General; or
 - vi. federal, state or local government agency or a legislative body.
4. Does my internship for a Court or Judge count?
- a. Yes, clerkships or similar internships with a court count, as long as you were not paid.
 - b. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
5. Does my internship for a government agency count?
- a. Yes, uncompensated internships with government agencies count, including internships with a prosecutor's office. Your position must assist in the provision of legal assistance in public service. Legislative, executive and governmental entities qualify.
 - b. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
6. Does my internship for a not-for-profit organization count?
- a. Yes, supervised pre-admission law-related work that assists in the provision of legal services without charge for not-for-profit organizations qualifies.
 - b. Law-related work for a not-for-profit organization qualifying as tax exempt under Internal Revenue Code § 501(c)(3) and
 - i. provides free civil legal services for low-income individuals;
 - ii. provides criminal legal services for the indigent; or
 - iii. serves the poor or disadvantaged or otherwise promoting access to justice.
 - c. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
7. Does participating in Albany Law's Pro Bono Society count?
- a. Yes, most of the work completed as part of the Pro Bono Society counts.
 - b. Law school sponsored projects or programs that serve the poor or disadvantaged provided the work is law-related and supervised in compliance with the pro bono requirement counts.
 - c. Law-related work in connection with a pro bono matter undertaken by a member of a law school faculty, including adjunct faculty, or an instructor employed by a law school.
8. Does my internship in another state count?
- a. Yes, supervised pre-admission law-related work that assists in the provision of legal services without charge for the indigent, not-for-profits, or those seeking to secure or promote access to justice; supervised pre-admission law-related work that assists in the provision of legal assistance in public service for a judicial, legislative, executive, or other

governmental entity; or supervised pre-admission law-related work that provides legal services pursuant to section 484 of the NYS Judiciary Law in another state qualifies.

- b. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
9. Does my internship in another country count?
 - a. Yes, supervised pre-admission law-related work that assists in the provision of legal services without charge for the indigent, not-for-profits, or those seeking to secure or promote access to justice; supervised pre-admission law-related work that assists in the provision of legal assistance in public service for a judicial, legislative, executive, or other governmental entity; or supervised pre-admission law-related work that provides legal services pursuant to section 484 of the NYS Judiciary Law in another country qualifies.
 - b. Your receipt of a stipend or grant from your law school or a third party in connection with a law-school sponsored internship or externship does not disqualify the work.
 10. Does legal research for a law professor qualify?
 - a. Only legal research in connection with a professor's pro bono legal services will qualify. Legal research related to scholarship, a law journal article or other publication does not qualify.
 11. Does time spent on administrative tasks incidental to the work, such as photocopying or transportation, qualify?
 - a. Time spent on administrative duties that are incidental to your pro bono work will qualify, but should be minimal compared to your law-related tasks. Travel or commuting time does not qualify.

What are the supervision requirements for my pro bono hours?

1. Do I need a supervisor?
 - a. Yes, all pre-admission pro bono work must be performed under the supervision of a law school faculty, adjunct faculty, or instructor employed by the law school; an attorney admitted to practice, and in good standing in the jurisdiction where the work is performed; or, in the case of clerkships or externships in a court system, by a judge or attorney employed by the court system.
2. Does my supervisor need to be an attorney?
 - a. Supervision must be by a law school faculty, adjunct faculty, or instructor employed by the law school; an attorney admitted to practice, and in good standing in the jurisdiction where the work is performed; **or**, in the case of clerkships or externships in a court system, but a judge or attorney employed by the court system.

3. How do I find a supervisor for my hours?
 - a. Albany Law School offers many ways for students to meet this requirement. Students may participate in on-campus clinics, field placements, as well as the Pro Bono Society. They may employ Career Services for assistance in identifying internships and externships that qualify under the mandate requirements. They may also consult with the Pro Bono Program for additional support in identifying pro bono opportunities.

What are the reporting & proof requirements for pro bono hours?

1. Who keeps track of my hours?
 - a. You are responsible for tracking your pro bono hours. Hours that were completed after you commenced your legal studies, but before the mandate was announced qualify to meet the requirement but you will need to re-create an account of those hours. The Pro Bono Program at Albany Law is developing a service for all Albany Law students to assist in the tracking, recording, and verification of mandate hours.
2. How should I keep track of my hours?
 - a. You will have to submit a record of the dates, number of hours, and the nature of your service for each block of time to the Appellate Division department when you file for admission to the N.Y.S. bar. Therefore, you should keep track of your hours using this same formula. If you have questions about how this should look you can consult with the Pro Bono Fellow.
 - b. Also, be prepared to discuss your pro bono work at your Character and Fitness interview.
3. Do I have to itemize my work?
 - a. Yes, you need to briefly describe the nature of your service when you submit your hours, and should keep your records current throughout our legal studies career to save you a lot of headaches when you are filing for admission to the NYS bar.
4. Who can verify my hours?
 - a. The attorney or judge who supervised your work must certify your service as part of your Affidavit of Compliance. Each separate position you completed pro bono service hours for will need its own Affidavit, and its own attorney certification. In other words, the attorney who certifies your field placement can only also certify your internship service if they were your supervisor for both, but you will still need a separate Affidavit for each position and attorney certification.
5. Who will I have to submit my hours to?

- a. You will have to submit a record of your service, an attorney certification of your service, and an Affidavit of Compliance, with your admission packet to the appropriate Appellate Division department.
 - b. The current Multi-Department Admission Packet can be viewed at the website of the New York State Board of Law Examiners:
www.nybarexam.org/Admission/Admission
6. What will I need to provide when I submit my hours?
 - a. You will have to submit a record of your service, an attorney certification of your service, and an Affidavit of Compliance for each of the position you served in to complete your hours.
7. Where can I obtain the necessary forms to submit my pro bono hours for this mandate?
 - a. The Affidavit of Compliance is available at
www.nycourts.gov/attorneys/probono/baradmissionregs
 - b. and at the websites of the four Appellate Divisions:
www.nycourts.gov/courts/appellatedivisions
8. May I complete my form at the time I conclude a pro bono project, even if it is before I am applying for admission?
 - a. Yes. It is your responsibility to secure and maintain the necessary documentation that you will need for your Form Affidavit of Compliance. You may complete the Form Affidavit prior to your application for admission, but you will need to keep the form(s) until submission of your application packet. Do not rely on your pro bono supervisor or the program where you worked to retain all your necessary information.

What is prohibited from pro bono hours?

1. May I fulfill my mandate by volunteering with partisan political campaign or other political activity?
 - a. NO. All partisan political activity is disqualified from meeting this pro bono mandate.
 - b. Prohibited activities include;
 - i. volunteer work on a political campaign,
 - ii. the collection or review of signatures on petitions,
 - iii. work as a poll inspector for elections or work on election litigation qualify, and
 - iv. assisting with litigation involving an election or a candidate's qualification for nomination, election or office.
2. Does community service qualify?
 - a. No, unless your work is law-related and involves the use of legal skills. For example, assisting in the provision of legal services to a homeless shelter would qualify, but

assisting at a fund-raising event, serving food or doing repairs at the shelter would not qualify. As a further illustration, if you volunteer to help Habitat for Humanity build a home, that work would not qualify. On the other hand, if under the supervision of an attorney, you assist in preparing the documents necessary to obtain a building permit or zoning variance for the construction of the home, that work would count. Volunteering for community service projects is commendable, but the purpose of the Pro Bono Requirement is to provide law-related assistance.

3. Does participation as a mentor in a mock trial program for high school or college students qualify? Does organizing a moot court competition at my law school qualify?
 - a. No. Although such activities are beneficial, they do not serve the intent and purpose of the Pro Bono Requirement.

4. If I have a question not addressed in these FAQs, where can I seek assistance?
 - a. You may visit [the NY Courts' Bar Admission Requirements Page](#) for further information and updates.
 - b. If you have additional questions, the best way to communicate them is by email to ProBonoRule@nycourts.gov. Include your telephone contact information in the event that a personal conversation is necessary. A toll-free number is also available: 1- 855-227-5482.