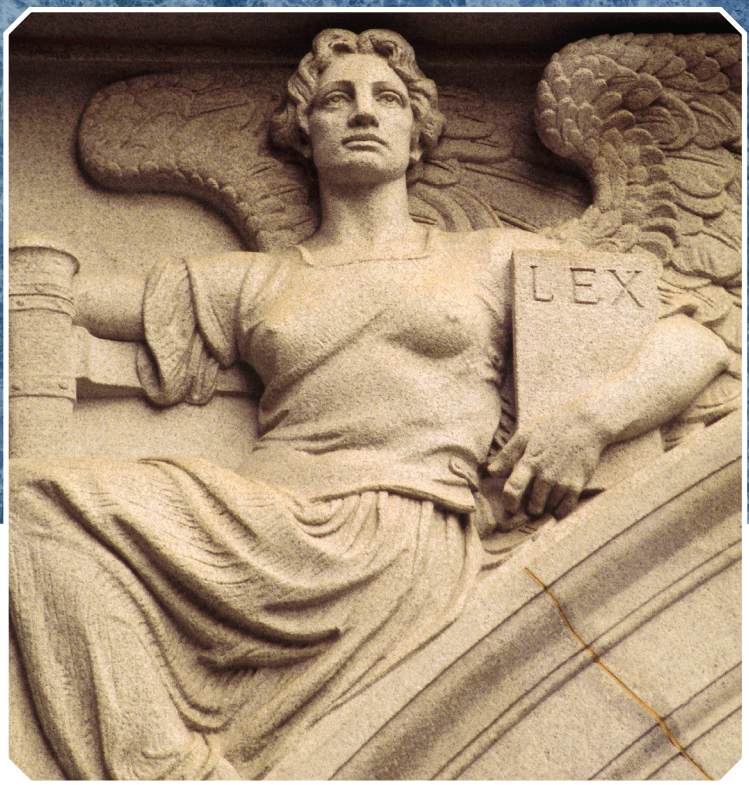
# Pro Bono Scholars Program




## A Legal Education Initiative

## Program Guide

Hon. Janet DiFiore
Chief Judge of the State of New York

# PRO BONO SCHOLARS PROGRAM

## INFORMATIONAL GUIDE

- **Are you interested in gaining practical skills training while you assist people who cannot afford legal representation?**
- **Would expedited admission to the New York bar help you launch your legal career?**
- **Does taking the New York bar examination in February during your final year of law school, rather than in July, interest you?**

**IF YOUR RESPONSE TO ANY OF THESE QUESTIONS IS "YES,"** then you may be interested in applying through your law school for participation in the Pro Bono Scholars Program, a new option in legal education.

**THIS GUIDE WILL PROVIDE YOU WITH INFORMATION** regarding the program's requirements, timing of the program, bar examination eligibility, acceptable pro bono work and other relevant topics.

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### What is the Pro Bono Scholars Program?

**THE PRO BONO SCHOLARS PROGRAM (PBSP)** allows students in their final year of law school to devote their last semester of study to performing pro bono service for the poor through an approved externship program, law school clinic, legal services provider, law firm or corporation. If you are accepted for enrollment in the PBSP, you will spend 12 weeks working full time in a pro bono placement, during which you will also complete an academic component at your law school. For your work in the pro bono placement and the accompanying academic instruction, you will receive at least 12 academic credits. Your law school will determine the total credits awarded for your placement.

The PBSP will provide you with an exciting opportunity to learn vital practice skills during your final semester, while also exposing you to the importance of serving clients of limited means. As a benefit for participating in the program, you will be permitted to take the New York bar examination in February of your final year of study, before you graduate. Upon successful completion of the PBSP and any other graduation requirements of your law school, you will be awarded your Juris Doctor degree. You will then be admitted to practice as soon as practicable after graduation, presuming that you have passed the New York bar examination and submitted a complete bar admission application to the appropriate Appellate Division Department of the Supreme Court of New York.

## When does the Pro Bono Scholars Program take effect? If I participate, how will my final year of law study proceed?

**THE PBSP WILL BE AVAILABLE TO LAW SCHOOL STUDENTS** who are in their final year of study. Your law school will establish the date by which your application must be submitted. During the fall semester, you will enroll in regular classroom courses. It is recommended that you confer with an academic advisor about your fall semester course selections so that you are adequately prepared to take the New York bar examination in February. You will also want to be certain that, upon completion of the PBSP, you will have satisfied the credit hour and other academic requirements for graduation and bar admission. If you are an international student, you should consult with the appropriate advisor at your school about any special considerations that may apply.

Your law school will inform you whether you have been accepted into the PBSP and then you will be matched with an appropriate placement. If you are selected for the PBSP, registration with the State Board of Law Examiners for the February bar examination will occur in November. At the conclusion of your fall semester—after completion of your final course exams—you will have the opportunity to begin studying for the bar examination. You may opt to enroll in a commercial bar exam preparation course, or you may choose to study independently. The State Board of Law Examiners will assign you a test site for the two-day bar examination, which will be conducted in February. Your pro bono placement will begin the week following the bar exam. The academic component of the PBSP will occur contemporaneously with your pro bono externship or law school clinic work.

## How many weeks and hours of pro bono work must I complete?

**YOUR PRO BONO PLACEMENT WILL LAST 12 WEEKS.** In order for you to receive a minimum of 12 academic credits, you will be expected to complete approximately 45 hours of work per week. During these 12 weeks, you will also be required to attend an academic component at your law school. Time spent in classes or seminars will count toward the total number of hours required.

Travel or commuting time is not included in the required hours. Any time devoted to administrative duties that are incidental to your pro bono work will count toward the hours of work required, but should be minimal compared to your law-related tasks. It is expected that the majority of your time will be spent dealing directly with legal issues and assignments, client matters, legal research and the development of practical legal skills.

## Can I work on other fee-generating cases or must I perform pro bono work exclusively during my placement?

**THE ENTIRETY OF YOUR WORK AT YOUR PLACEMENT MUST BE DEVOTED TO PRO BONO MATTERS.** For example, if you are working at a law firm on pro bono cases, you cannot devote a portion of your work day to other matters being handled by the firm for clients being charged legal fees.

## Will I receive credit hours toward the PBSP for work completed before my final semester of law school?

**NO. ANY PRO BONO WORK, CLINICAL EXPERIENCE OR CLASSROOM STUDIES** that you completed before your final semester of law school will not count toward the PBSP.

## What are the requirements for the placement academic component?

**THE ACADEMIC COMPONENT SHOULD PROVIDE MEANINGFUL OPPORTUNITIES** for you to reflect on the work that you are performing in your placement, explore your ethical obligations and further develop your practice skills. A member of the law school faculty will teach the academic component, which will be offered contemporaneously with the placement. For purposes of this program, faculty includes full- and part-time faculty members or instructors. The nature and content of the academic component will be determined by your law school.

## Do I still pay tuition to my law school for my spring semester?

**YES. THE PBSP IS AN EXPERIENTIAL AND ACADEMIC LEARNING EXPERIENCE** provided by your law school as part of your legal education. Based on your participation in this program, you will receive academic credit toward your law degree.

## May I be paid for participation in the PBSP?

**NO. STUDENTS WHO RECEIVE LAW SCHOOL CREDIT FOR THEIR PARTICIPATION** in the PBSP may not receive compensation from the placement provider. You may, however, at the discretion of your law school, be compensated for reasonable out-of-pocket expenses related to your placement. You are not precluded from receiving any available scholarship, stipend or grant from your law school or other source.

## What are the eligibility requirements for participation in the PBSP?

**YOU MUST BE IN GOOD ACADEMIC STANDING AT THE TIME YOU FILE AN APPLICATION FOR THE PBSP.** Your law school must confirm that, upon your successful completion of the PBSP, you will satisfy all requirements of Section 520.3 of the Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law and all graduation requirements of your law school. Please note that your law school may impose additional requirements for participation in the program that it determines are appropriate.

Prior to applying for the PBSP, you should seek academic counseling to ensure that your entire course of study will satisfy relevant American Bar Association Standards and the New York Court of Appeals Rules for the Admission of Attorneys and Counselors at Law. For instance, you must have completed at least two credits in a professional responsibility course. Additionally, you should confirm that, upon completion of your pro bono placement, you will have earned at least 83 credits, 64 of which must be in classroom courses at your law school. It is important to note that some law schools have requirements that exceed those of the Court of Appeals and American Bar Association. You will also want to ensure that you have completed sufficient courses during your course of study to prepare you adequately for the bar examination.

## What type of work will qualify for the Pro Bono Scholars Program placements?

**FOR PURPOSES OF THE PBSP,** pro bono service must be full-time, supervised law-related work that assists in the provision of legal services for:

**a.** persons who are financially unable to pay for legal representation;

b. not-for-profit legal service providers that predominantly address the legal needs of indigent clients where the work performed is for such clients; or

c. a governmental entity, so long as the work performed is on behalf of identifiable individuals who are financially unable to afford representation or whose unmet legal needs prevent their access to justice.

Your placement should provide ample opportunity for client contact or be of direct benefit to an identifiable client or clients. Work that involves advocating on behalf of disadvantaged individuals generally but does not directly benefit specific individuals will not qualify.

Your work tasks must be law-related. In other words, the work must involve the use of legal skills and law-related activities that are appropriate for students who are not yet admitted to practice. You must take special care to avoid engaging in any activities that would constitute the unauthorized practice of law, unless you are providing services covered under a student practice order issued by the Appellate Division of the New York Supreme Court in conjunction with your placement.

## What are some examples of qualifying placements?

**THE FOLLOWING ARE EXAMPLES** of the type of placements that are acceptable under the PBSP:

a. **Externships or field placements** with a

   i. not-for-profit provider of legal services for the poor and low-income individuals;

   ii. law firm, only if the pro bono work is full-time and will involve pro bono matters being handled by that firm and the pro bono client(s) are not paying legal fees;

   iii. Legal Aid, or other similar civil or criminal legal services organization that serves low-income clients;

   iv. A Public Defender, a Conflict Defender, or other similar criminal defense service organization that serves indigent criminal defendants;

   v. A corporation providing pro bono legal assistance through its in-house legal department to individuals who are unable to afford legal representation and are not paying legal fees;

   vi. A U.S. Attorney, a District Attorney or a State Attorney General, but only if you will assist litigants or victims who otherwise would not be able to afford legal representation;

   vii. A court, but only to the extent that you will be assisting litigants who otherwise would not be able to afford legal representation.

b. **Law school-sponsored clinics** that provide legal assistance to those who cannot afford representation, such as clinics that:

   i. assist individuals or families in matters involving the essentials of life, such as 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 who cannot afford to retain legal representation;

iii. represent indigent persons with mental illness or disabilities;

iv. represent persons subject to mortgage foreclosure proceedings who cannot afford to retain legal representation;

v. assist low-income persons with the preparation of tax returns, provided legal issues are involved;

vi. represent incarcerated persons or pursue prisoner rights litigation;

vii. advocate for indigent victims of alleged human rights violations or the protection of civil liberties;

viii. litigate on behalf of classes of individuals who could not otherwise afford representation;

ix. represent applicants at public assistance hearings, such as eligibility reviews or hearings regarding eligibility for food stamp assistance; or

x. assist individuals with the drafting and completion of their petitions in Family or Housing Courts.

c. **Law-related work for a not-for-profit** organization that

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 promotes access to justice.

The above list is not exhaustive. Law schools with questions regarding whether a particular placement satisfies the program requirements should contact the PBSP's Executive Director.

## Where can I perform the pro bono work?

**YOU MAY PERFORM QUALIFYING PRO BONO WORK IN ANY JURISDICTION** but, practically speaking, most likely your placement will be in the vicinity of your law school since you must fulfill the academic component of the program. You also may perform the qualifying pro bono work in another country, provided the nature of the work and academic supervision complies with all requirements of the Pro Bono Scholars Program.

## To what extent is supervision of my work required?

**YOUR PRO BONO PLACEMENT MUST BE SUPERVISED** by an attorney who is admitted to practice or a law school instructor. Constant, physical presence of a supervisor during your placement may not be necessary, but the supervising attorney must assure that appropriate services are being per-formed. Generally, the means and extent of required supervision are dependent on the nature of the pro bono project and your assigned tasks. Because one goal of the PBSP is to assist you in acquiring practical legal skills training, the supervising attorney should be available to provide you with meaningful training, oversight, instruction and evaluation. Additionally, the level of supervision provided and substance of the work performed must satisfy your law school's requirements for awarding academic credit for work per-formed outside the classroom.

In addition to your placement supervisor, a member of your law school's faculty must also be involved with your placement to the extent required by American Bar Association Standard 305.

At the conclusion of your placement, you must complete an "Affidavit of Compliance with the Pro Bono Scholars Program Requirements." A section of this affidavit will require your placement supervisor to certify that you have accurately described the circumstances, timing and nature of the pro bono work described in the affidavit. Therefore, supervision of your work must be sufficient to supply an adequate basis for the certification. This affidavit is a mandated component of your bar admission application.

## How will my placement be selected?

**LAW SCHOOLS WILL COORDINATE WITH THE COURT SYSTEM** in developing appropriate placements for the PBSP. These placements may be provided through the law school's existing clinic, externship or field placement programs. Placements also may be provided through civil legal services providers, law firms, corporations, governmental agencies or the courts.

Your law school will determine the date by which your PBSP application must be submitted. Upon receiving your application, the law school will first confirm that you are eligible for the program (i.e., that you are in good academic standing and meet the other requirements established by your school, and that you will have fulfilled your graduation requirements upon completion of the program). The law school will evaluate your credentials and interests and you will be matched with a placement that meets the objectives of the PBSP and provides you with a meaningful learning experience.

A list of students participating in the program at each law school will be sent to the Executive Director of the PBSP and to the State Board of Law Examiners (BOLE) by October. You must register for the February bar examination between November 1 and November 30. If you fail to register in a timely fashion, you will not be allowed to sit for the bar examination in February and you will need to register for the July bar examination.

## What proof must be presented to the Board of Law Examiners before a student is permitted to sit for the February bar examination?

**IN FEBRUARY, YOUR LAW SCHOOL MUST PROVIDE THE STATE BOARD OF LAW EXAMINERS** with a Certificate of Law School attendance certifying that upon successful completion of the PBSP, you will meet all of the requirements of Section 520.3 of the Rules for the Admission of Attorneys and Counselors at Law and will be awarded a Juris Doctor degree.

## The February bar examination results will be available before I complete my pro bono placement. Will the Board release my results at the same time it releases the test results for other February bar examination takers, or will my results be withheld until I complete the program?

**BY EARLY MAY, THE STATE BOARD OF LAW EXAMINERS WILL RELEASE EXAMINATION RESULTS** to all applicants who take the February bar, but the results for students in the PBSP will be conditional until you successfully complete the program. Simply put, if you participate in the PBSP and pass the February bar examination, your results will not be validated until you present proof to the BOLE that you successfully completed the PBSP and have been awarded your Juris Doctor degree. Once the Board

receives such proof from your law school, along with confirmation that you have passed the MPRE, the Board will certify you to the appropriate Appellate Division Department for admission to the bar.

## What documentation will I be required to submit to prove compliance with PBSP requirements?

**AT THE CONCLUSION OF YOUR 12-WEEK PLACEMENT,** you will be required to complete a "Form Affidavit of Compliance with the Pro Bono Scholars Program Requirements" wherein you will provide information regarding your pro bono work, and your supervisor will be required to certify the relevant information. This Form Affidavit will substitute for the Form Affidavit required under the 50-hour pro bono rule. In the affidavit, you will state when and where the work was performed, provide a description of the work or project and identify your placement supervisor and faculty supervisor. The form will contain an oath section, which will require you to swear or affirm that the information contained in the document is true and accurate. Once you have completed all of the information required on the first page of the affidavit, you must take the form to a notary public for execution. In the presence of the notary, you will affirm that you provided the information that appears on the form and you will affix your signature. The notary will then sign the form and affix a seal or stamp. Do not sign your name on the form prior to appearing before the notary.

Once the form is notarized, you must submit it to your supervising attorney, who will complete the supervisor certification section of the affidavit. This will require the supervising attorney to certify the number of hours you worked and that you successfully completed the placement.

You must then submit the form to your supervising faculty member, who will complete the final section of the form—the supervising faculty member certification. Your faculty member will separately certify that you successfully completed the academic component of the program. Once the faculty member completes the form, and determines that you have satisfied any other requirements of your law school, the faculty advisor or other designated law school official will direct the law school registrar to award your academic credits. You will then submit your completed original "Form Affidavit of Compliance with the Pro Bono Scholars Program Requirements" with your application for admission to the appropriate Appellate Division Department. It is suggested that you retain a photocopy of your completed affidavit for your records.

Once your law school determines that you have satisfied all requirements for graduation and awards your Juris Doctor degree, it must then send to the BOLE a law school completion certificate. When the BOLE receives this Certificate, and proof of your passing MPRE score, it will certify you to the appropriate Appellate Division Department for admission. You must provide this certification letter to the Appellate Division, which will then complete its review of your application and schedule your character and fitness review. Assuming you timely submit a complete application and your application raises no character and fitness issues, your admission to the bar should occur sometime in June.

## What happens if I do not successfully complete the Pro Bono Scholars Program?

**IF YOU DO NOT SUCCESSFULLY COMPLETE THE PBSP,** you will not be awarded credit and, presumably, you will not be eligible for graduation from your law school. Obtaining early admission to the bar is therefore contingent upon satisfactory completion of all components of the PBSP.

If you fail to complete the program requirements due to exceptional circumstances, your law school and the court system may allow you to complete the program requirements beyond the May deadline. Such situations will be reviewed on a case-by-case basis, and you should not assume that an extension will be granted. Any placement termination before completion of the program requires the joint approval of your law school and the court system. If you withdraw from the program without the approval of your law school and the court system, your bar exam score will be voided and you will need to re-register and retake a sub-sequent New York bar examination.

### If I participate in the PBSP, when should I begin preparing my application for admission to the bar?

**YOU ARE STRONGLY ENCOURAGED** to begin compiling the necessary application materials immediately after taking the February bar examination. Each Appellate Division Department has policies and deadlines for when you should submit your application. To take advantage of the benefit of early admission, you should submit your application for admission as soon as you can and in any event as soon as you are notified that you passed the February bar examination; the results of the exam generally are released by the first week of May. Your application will be held until the Appellate Division receives a notice of certification from the State Board of Law Examiners that you successfully completed the PBSP. Once the Appellate Division receives such notification, it will promptly review your application and schedule your character and fitness interview.

### If I participate in the PBSP, may I also engage in co-curricular or extracurricular law school activities such as moot court, law review or student clubs?

**ALTHOUGH YOU ARE NOT PRECLUDED FROM PARTICIPATING** in co-curricular or extracurricular activities while you are a Pro Bono Scholar, you should only commit to activities that will not interfere with the re-quired hours at the pro bono placement and the academic component. Before you decide to apply for the PBSP, you should consider whether you will have sufficient time to devote to the program and any co-curricular or extracurricular activities you want to pursue during your final semester.

### If I participate in the PBSP, am I precluded from enrolling in other courses during my final semester?

**BECAUSE STUDENTS IN THE PBSP WILL BE DEVOTING SIGNIFICANT TIME** to the program requirements, you may enroll in additional courses only with the approval of your law school administration.

### If I enroll in the PBSP, when should I take the Multistate Professional Responsibility Examination (MPRE)?

**THE MPRE IS GIVEN THREE TIMES A YEAR,** in March, August and November. Ideally, you will take and pass the MPRE prior to beginning your pro bono placement. You will not be certified for admission until the State Board of Law Examiners receives confirmation that you have passed the MPRE.

**If I successfully complete the PBSP, do I also have to satisfy the 50-hour pro bono requirement for admission set forth in New York Court of Appeals Rule 520.16?**

**NO. STUDENTS WHO SUCCESSFULLY COMPLETE THE PBSP AUTOMATICALLY SATISFY** the 50-hour requirement for bar admission. When applying for admission, students who complete the PBSP do not have to include the separate "Form Affidavit as to Applicant's Compliance with the Pro Bono Requirements" that relates to the 50-hour pro bono requirement for admission.

**If I am working in my pro bono placement until late May, will I be able to participate in my law school's graduation ceremony that occurs before that date?**

**IT WILL BE WITHIN THE DISCRETION OF YOUR LAW SCHOOL** whether you may participate in graduation ceremonies, but it is expected that you will be able to do so. Please note that even if you participate in your law school's graduation ceremony, your Juris Doctor degree will not be conferred until you successfully complete the PBSP requirements.

**For further information regarding the Pro Bono Scholars Program, please see the Program's website at: www.nycourts.gov/probonoscholars**

**Specific questions regarding the Program should be directed by e-mail to the Program's Executive Director at: probonoscholars@nycourts.gov**