November 12, 2012

Re: Pro Bono Hours Requirement for Admission to New York Bar

Dear Duke Law Class of 2014 and Class of 2015,

On September 19, 2012, the New York Court of Appeals issued a new, 50-hour pro bono service requirement (“pro bono requirement”) for applicants for admission to the New York bar. If you intend to practice law in New York after graduation, or if you plan to seek admission to the New York bar for reciprocal practice in another jurisdiction such as Washington, D.C., the new pro bono requirement will apply to you. Even if you are not planning to seek admission to the New York bar, you should be aware that other states currently are considering adopting a similar requirement.

This memorandum will provide information about the new rule, including ways that you might complete the pro bono requirement during your time at Duke Law. You are encouraged to read the text of the rule, as well as review FAQs about the new rule, at: http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml

Who Is Required to Fulfill the Pro Bono Requirement?

Any applicant who seeks admission to practice in New York after January 1, 2015, must satisfy the 50-hour requirement, which means that graduates who sit for the New York bar exam in July 2014 or later will have to fulfill the pro bono requirement.

The pro bono requirement must be satisfied before admission to the New York bar. In New York, an applicant first takes the bar exam, and then, after the exam, files an application for admission to the bar. You are encouraged to complete the pro bono requirement during your time in law school in order to fulfill that obligation prior to sitting for the bar exam.

1 Current 3L/Class of 2013 students seeking admission to the New York bar will not be obligated to fulfill the pro bono hours requirement so long as these graduates pass the New York bar exam and successfully complete the admissions process prior to January 1, 2015.
What Types of Service or Work Will Meet this Requirement?

Under the New York rule, there is a broad definition of what counts as pro bono service. Basically, the pro bono work must be law-related and supervised. The work should benefit low-income or disadvantaged individuals; tax-exempt organizations; the court system; federal, state or local government agencies; or legislative bodies.

The pro bono hours must be completed in the time between commencing your legal education and applying for admission to the New York bar. The work need not be done in New York; your pro bono work may be performed anywhere, including abroad, so long as the work otherwise complies with the rules relating to the pro bono requirement.

Depending on the type of work and client, hours worked for academic credit in Duke Law clinics and externships (including Duke in DC) can be counted as pro bono. Summer internships involving attorney-supervised, law-related work at a non-profit or government agency office will count for New York pro bono credit, even if you receive a Duke Law Summer Public Interest Fellowship or Dean's Service Grant to support your work. Supervised pro bono work performed within a law firm while a summer associate also will count for the New York pro bono requirement.

Many Duke Law students engage in a significant amount of pro bono work through the Duke’s student-led pro bono groups. For such work to qualify for the New York bar requirement, it must be law-related and attorney-supervised. The following are current examples of attorney-supervised Duke Law pro bono projects that involve law-related assistance to those who otherwise would not have access to legal representation, and therefore likely would count towards the New York bar pro bono requirement:

- Durham County Guardian ad Litem (GAL)
- Environmental Law Society’s work with the Southern Environmental Law Center
- Health Law Society’s Cancer Patient Pro Bono Project
- Immigrant Education Project’s Deferred Action for Childhood Arrivals (DACA) work
- Innocence Project case work
- Iraqi Asylum Support Project
- Justice Matters
- LANC Ambassador Program
- Refugee Asylum Support Project
- Southern Justice Spring Break
- Veteran’s Disability Assistance Project case work

This list is not exhaustive, but provides some direction for students seeking to fulfill the New York bar pro bono requirement through the Duke Pro Bono Project.

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2 If you plan to meet the requirement through participation in a clinic, please contact the Clinic Director to discuss whether the work will count for New York pro bono. If you plan to meet the requirement through participation in an externship, please contact the Externship Program Director to discuss whether the work will count for New York pro bono.
The guidance to the New York rule makes clear that community service, such as Dedicated to Durham, building a house with Habitat for Humanity, or serving in a soup kitchen will not qualify for pro bono credit for the New York bar. Likewise, student-led pro bono projects that do not directly involve attorney supervision will not qualify for the New York bar, and neither will work with moot court, mock trial or on a political campaign (including poll monitoring and election-related litigation).

**How Do I Document My Pro Bono Hours?**

For each pro bono experience – including qualifying clinics, externships, summer public interest internships, and work with student pro bono groups – an attorney supervisor will need to certify the hours that you spent on pro bono work by completing a Form Affidavit of Compliance. These forms (one for each pro bono experience) should be completed as soon as possible after finishing the pro bono experience and kept on file in a safe place so that you can submit them as part of your application for admission to the New York bar. If you engaged in a qualifying clinic, externship, summer public interest internship, or pro bono project this academic year or last, you are encouraged to complete the Form Affidavit of Compliance now, in order to document those experiences for submission to the New York bar when you apply in the future. The Form requires the signature of a notary; Kim Burrucker, in the Pro Bono office, is a notary and likely will be able to help you with that part of the Form.

A copy of the Form Affidavit of Compliance is attached, and also can be found at: http://www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf

Duke Law students also should report their pro bono hours each semester by logging into the Pro Bono Database at: http://law.duke.edu/publicinterest/probono. However, logging hours into the Duke Pro Bono Database will not suffice as a record of completion; you also must complete the Form Affidavit of Compliance to submit with your New York bar application for admission.

If you have any questions about the New York bar pro bono requirement, please contact the Office of Public Interest and Pro Bono.