EXTERNSHIPS AND CLERKSHIPS AT
SUNY BUFFALO LAW SCHOOL

BRIEF GUIDE FOR SUPERVISING ATTORNEYS

Exterships and judicial clerkships are great opportunities for SUNY Buffalo law students to learn by working with practicing attorneys in our community. The Law School is very grateful for the wonderful array of opportunities and experience that our externship and clerkship Supervisors provide. In return, the placement offices benefit from the students’ energy and assistance.

Because SUNY Buffalo Law School students receive three or more Law School credits for working in not-for-profit and governmental offices, there are curricular, substantive and administrative requirements for the Law School, placement supervising attorneys (the “Supervisor”) and students. Each externship or clerkship is an ongoing class that is established in conjunction with the Externship Program Director and the Supervisor.

The American Bar Association accreditation rules for law schools and the faculty of the Law School requires, among other things, that the externship program have a method for selecting, training, evaluating, and communicating with placement Supervisors; conduct periodic site visits or their equivalent; and offer students opportunities for reflection on their field placement experiences, through seminars, tutorials, or other means. (The ABA Standard for Study Outside the Classroom is attached as Appendix A for your reference.)

Development and Placement

Law school externships and clerkships are available only at pre-approved non-profit legal offices and governmental law offices.

Exterships and clerkships are not assigned on an ad hoc basis. Rather, placement offices are pre-screened and pre-approved and are listed in our course registration materials. Each externship and clerkship requires faculty supervision and is a class for which all qualified students may apply.
The placement office and Supervisor must strive to:

- Provide students a real-world environment that is educational;
- Provide students hands-on legal assignments that will help them develop legal skills that they need for their future careers;
- Have sufficient space to accommodate a student in the office;
- Have sufficient time to meet with students each week and provide constructive feedback on their performance.

Selection of Students

Because SUNY Buffalo Law School is granting credit to student externs and clerks, and in order to allow all students a fair chance at admission to externships and clerkships, the Law School will select the students for each placement from among the students who apply for the particular externship or clerkship. The screening process for the externship and clerkship program typically includes a review of the student’s Law School transcript, resume, and a writing sample to ensure that the student is succeeding in legal studies, meets any skills requirements or prerequisites, and to determine if the student has any relevant job experience. If externship or clerkship Supervisors requested that students have particular skills, experience or have taken specific courses, the Externship Program Director and placement Supervisor will have addressed those requests prior to finalization of the student selection.

Externship Work Requirements

In order to receive credit, students must primarily perform legal work, including conducting traditional legal research; writing memos, briefs, and papers on legal issues; performing legislative research; responding to inquiries on legal issues or that require legal research; and observing or assisting in court or agency-based litigation proceedings and other client interactions. Students in certain placements may be admitted to the limited supervised practice of law pursuant to New York’s Judiciary Law and Court Rules. Specifically, Judiciary Law Sections 478 and 484 allow legal aid organizations and government agencies to petition for student practice authorization pursuant to a program approved by the Appellate Division. (See Appendix B.) In addition, students may be admitted to appear in specific cases in the United States District Court pursuant to a Plan for Student Practice. (See Appendix C.) Although some clerical tasks may be part of any legal project, students may not spend a significant amount of time on non-legal work.

In addition, the students must work primarily in the externship or clerkship host’s office, except when research, court or agency proceedings, or other work-related requirements take the student out of the office. This means there must be an appropriate workspace in the placement’s facility
that the student uses. The student may not work in another organization’s offices, even if the other organization contracts with the host office.

**Student Responsibilities**

A typical three-credit externship or clerkship requires students to work eight hours per week on a regular schedule over the course of the twelve-week semester, although the requirements may vary, depending on the academic credits awarded and the particular requirements of an externship or clerkship. For the six-week summer semester, the hours worked per week would double for most placements. The students determine their schedules in conjunction with their Supervisors. The students may not be paid for their work because they are receiving academic credit for the work they do.

Students provide the Externship Program Director with periodic reports concerning their work, without breaching any confidentiality restrictions. Students must comply with any schedules, processes, confidentiality requirements and any other work-related responsibilities of their host offices.

New York State has adopted a Pro Bono Requirement for Bar Admission, applicable to those who apply for admission to the New York Bar on or after January 1, 2015. (See Rule 520.16 of the Rules of the New York Court of Appeals for the Admission of Attorneys and Counselors at Law, Appendix D.) Many current law students will rely on the fieldwork performed in their externship placements to meet this new requirement. Supervisors should be prepared to certify such student work, in compliance with Rule 520.16. (See sample affidavit at Appendix D.)

Students will also ask their Supervisors to complete a “Law-Related Employment” affidavit which they will later submit with their application for admission to the bar. (See sample affidavit at Appendix E.)

**Responsibilities of Supervisors**

Supervisors are an essential part of the education and professional development of student externs. The Supervisor must be an attorney. Because students receive academic credit for their fieldwork, it is essential that they have opportunities to observe and participate in the legal work of the placement, receive clear and challenging assignments, and are provided with ongoing feedback. Supervisors, therefore, should have sufficient experience and expertise to enable them to guide and counsel student externs.\(^1\) Attorneys are also ethically responsible to adequately supervise students as non-lawyers under the Rules of Professional Conduct. (See Rules 5.1 and 5.3 at Appendix F.) The following is offered to assist you in carrying out your duties as a Supervisor.

---

\(^1\) If desired, Supervisors can receive CLE credit for actively teaching and supervising students in an externship in accordance with NYS CLE requirements.
The Supervisor must be available on-site to provide and explain assignments, answer questions, and give substantive feedback on student work. If the Supervisor is unavailable when a student is scheduled to be in the office, appropriate assignments and instructions should be left, and alternative supervising attorney coverage should be arranged.

A student may work with one or more attorneys in a particular placement or on a particular assignment, but the office should designate one attorney as the student’s Supervisor. This attorney is responsible for keeping track of the student’s work assignments and for communicating with every attorney who assigns work to the student as well as the Externship Program Director and Administrator.

A. Assignments Generally

Students should be assigned a variety of meaningful lawyering tasks. Such tasks may include, with appropriate supervision: legal research; drafting of documents, such as affidavits, memoranda or briefs; interviewing and counseling clients; negotiating; and observing, assisting with, or providing advocacy in court proceedings in accordance with jurisdictional requirements.

B. Student Involvement

Students should be included in activities of the office to the greatest extent possible. They should be invited, as appropriate, to attend meetings, attorney conferences, and administrative hearings and trials, either as observers or active participants.

C. Evaluations

Supervisors are expected to meet with each student on a regular basis, and more formally at the end of each semester, to discuss the strengths and weaknesses of the student’s performance. At the middle and end of the semester, the Supervisor evaluates each student who worked at the placement in writing. (Evaluation forms are attached at Appendix G and will be sent to you via email at the appropriate times by the Externship Program Administrator.) Students are graded on a pass/fail system; the Externship Program Director will assign the grades after receiving the Supervisor’s final evaluation and reviewing the student’s reflective assignments throughout the semester.

D. Initial Supervisory Meeting

The Supervisor should schedule an initial meeting with the student at the beginning of the first week in order to orient the student to the nature of the work and the set-up of the office and to set the tone for the Supervisory relationship. In particular, the following issues should be addressed with each student at the start of the fieldwork:

1. Confidentiality and Professional Responsibility
Professional obligations such as maintaining confidentiality and avoiding and managing conflicts of interest must be discussed with students at the outset of the placement. It is important to note that this may be the first time some students experience these professional obligations. If there are particular ethical policies that govern your office, please share them, as well. Students also should be informed of the title they are expected to use on communications, e.g., “law student intern” or “legal clerk.”

2. **The Function of the Agency, Office, or Organization**

Although your office or organization’s role within the legal system may seem obvious to you, it may not be so clear to the student. A description of the services provided by your office, the organization’s clients (if relevant), and the particular subject matter that the office focuses on, should be provided. This will help orient the student extern to his/her new work environment.

3. **The Student’s Role in the Office**

Students should be informed about the nature of the assignments they might expect during the semester and the particular cases or projects on which they might be expected to work. Students should be advised of the chain of command for assignments, i.e., from whom they should accept work. It is always best if assignments go through the Supervisor, even when a student works with other attorneys in performing a task. Students should be informed about the review process for their work and whether there are any tasks they may carry out without a Supervisor’s review or approval.

4. **Relevant Office Policies and Chain of Command**

Students should be made aware of relevant office policies such as dress code, use of office equipment, and permitted use of resources, including if relevant, the use of technology and electronic research databases. Each student should have his/her individual workspace. It is important to also advise others in the office where the student is situated.

Please take the time to show your students around your office. A tour should include a brief overview of the office space, including the library and other areas where resources for research are available. Any necessary computer training should be provided. Students need not be trained in Westlaw or Lexis, but should be given an orientation on office-specific programs, servers and data management. If the student is expected to interact with administrative staff they should be introduced to them and made aware of how to obtain administrative support on appropriate tasks.

5. **Student Schedule**

The Supervisor should work with the student to create a specific work schedule. Having such a schedule permits the student to develop a sense of commitment and responsibility, and to view his/her work as a regular part of the functioning of the office.
E. Explanation of Assignments

At the conclusion of the initial meeting, you should give your student his/her first assignment. Please take the time to explain the assignment in detail as addressed below.

An assignment can be traditional: research a legal issue and write a formal memo detailing the analysis and results; or more experiential: attend a hearing and take formal notes. Nearly anything a Supervisor does in daily practice can lead to an assignment for a student. Preparing for trial? Assign cross-examination prep packets to the student and use their skills with social media to find background on a witness. Later in the semester, assign the student observation of the actual cross-examination. A mix of long and short term projects can be given to the student.

But for the assignment to be useful to both the Supervisor and the student certain details must be discussed. A thorough discussion of these details is the first step in the student’s successful completion of a project. Most importantly, the student must understand how the assignment fits into the overall practice and the specific matter in order for the student to learn legal skills. Below is a useful checklist for Supervisors to refer to when assigning projects:

- Have you explained how the assignment fits into the overall case, project, mission, etc.?

- Have you explained the assignment keeping in mind the relative inexperience of the student?
  - Remember to confirm students understand terms of art and abbreviations common to your practice.

- Have you provided deadlines for drafts of written product? Final product?

- Have you communicated how much time you expect the student to spend on the project?
  - In doing so, have you confirmed the student has time for the project and can complete it by the deadline along with other pending assignments? Can you help the student prioritize the pending assignments?

- Have you communicated the format you require or prefer?

- Have you provided any examples to assist the student in understanding your expectations?

- Have you provided guidance in terms of starting points or office resources so the student doesn’t “reinvent the wheel”?

- Have you given the student an opportunity to ask questions? Have you provided a method for follow-up questions? Have you told the student who to go to for guidance if you are not available?
  - Many students are afraid to ask questions lest they be perceived as inadequate. By communicating your availability you alleviate the fear that asking a question demonstrates incompetence.
When an assignment consists of observing a court appearance, client interview, deposition, negotiation, mediation, or presentation to other attorneys or clients it is helpful to explain whether any product from the student will be expected. The product may be notes of the event, a task list of next steps, or a summary of the student's reaction to the legal context of the event. After an observation, the Supervisor should meet with the student to discuss any questions the student may have and explain any key decisions made during the event that the student may not have directly perceived.

F. Provision of Feedback

Supervisors are expected to make sufficient time to provide individual specific feedback on student work. It is in the Supervisor's interest to give effective feedback that a student can "hear" without becoming defensive so that the student will provide what the Supervisor wants. Giving feedback may take time, but is an investment which will save you time in the future when students are able to improve their work product. In addition it is from feedback that the students learn and thus is a crucial component of the externship.

Effective feedback consists of providing specific information about the effectiveness of a student’s performance and, when necessary, suggesting alternatives to enhance future performance. It should motivate a student to strive to improve their work and educate them as to the skills needed for successful legal practice. Here is a helpful list of requirements for useful feedback:

- **Start with a positive comment.** People tend to be more open to constructive criticism if they hear it after being reassured of their "worth." In every performance, there is something that can be praised.

- **Be specific.** Relate your critique to specific events in the student’s performance. (i.e., “To do this well, you need to take accurate, detailed notes during the interview.”)

- **Be constructive.** If you offer negative feedback, don’t just criticize but suggest alternatives of what the person could have done differently. Focus your critique on an area you think the student will be able to improve.

- **Be honest.** Your job is not to be popular, but to help the student improve. Tell it like it is, but be supportive. Note what was done well, but only if it was done well.

- **Take responsibility for your critique.** Present the critique in the first person (“I think...”; “In my experience...”; “I think the practice is...”). Avoid presenting points of critique as universal principles unless, of course, they are (i.e., “Never address the court as 'Hey, dude!'”).

- **Make the student a partner in the critique.** Ask questions: “What were you trying to achieve?”; “What do you think went wrong?”; “What alternative approaches might you have tried?”
SUNY Buffalo Law Contacts

If you have any questions on the information provided in this brief guide, or need any assistance with your externship program please contact:

Professor Lisa A. Bauer
Director, Externship Programs
lisabaue@buffalo.edu
716-645-7881

Dawn Skopinski
Administrator, Externship Programs
skopinsk@buffalo.edu
716-645-6261
APPENDICES

A. ABA Standard for Approval of Law Schools 305: Study Outside the Classroom

B. New York State Student Practice Rules at N.Y. Jud. L. §§ 478, 484

C. Federal Student Practice Rules for the Second Circuit (46(e)) and Western District of New York (83.6)

D. New York Pro Bono Requirement for Bar Admission, Affidavit of Compliance, and Frequently Asked Questions publication

E. Form Affidavit as to Applicant’s Law Related Employment, New York Bar Admission Application

F. New York Professional Rules of Conduct 5.1 and 5.3

G. Mid- and End-of-Semester Evaluation of Student Extern
following the student’s regular enrollment in the school’s J.D. program. A law school may accept transfer credit as otherwise allowed by the Standards.

A law school may award credit toward a J.D. degree for work undertaken in a LL.M. or other post-J.D. program offered by it or another law school if:

(a) that work was the successful completion of a J.D. course while the student was enrolled in a post-J.D. law program;

(b) the law school at which the course was taken has a grading system for LL.M. students in J.D. courses that is comparable to the grading system for J.D. students in the course, and

(c) the law school accepting the transfer credit will require that the student successfully complete a course of study that satisfies the requirements of Standards 302(a)-(b) and that meets all of the school’s requirement for the awarding of the J.D. degree.

Standard 305. STUDY OUTSIDE THE CLASSROOM

(a) A law school may grant credit toward the J.D. degree for courses or a program that permits or requires student participation in studies or activities away from or outside the law school or in a format that does not involve attendance at regularly scheduled class sessions.

(b) Credit granted shall be commensurate with the time and effort required and the anticipated quality of the educational experience of the student.

(c) Each student’s academic achievement shall be evaluated by a faculty member. For purposes of Standard 305 and its Interpretations, the term “faculty member” means a member of the full-time or part-time faculty. When appropriate a school may use faculty members from other law schools to supervise or assist in the supervision or review of a field placement program.

(d) The studies or activities shall be approved in advance and periodically reviewed following the school’s established procedures for approval of the curriculum.

(e) A field placement program shall include:

(1) a clear statement of the goals and methods, and a demonstrated relationship between those goals and methods to the program in operation;

(2) adequate instructional resources, including faculty teaching in and supervising the program who devote the requisite time and attention to satisfy program goals and are sufficiently available to students;

(3) a clearly articulated method of evaluating each student’s academic performance involving both a faculty member and the field placement supervisor;

(4) a method for selecting, training, evaluating, and communicating with field placement supervisors;

(5) periodic on-site visits or their equivalent by a faculty member if the field placement program awards four or more academic credits (or equivalent) for field work in any academic term or if on-site visits or their equivalent are otherwise necessary and appropriate;

(6) a requirement that students have successfully completed one academic year of study prior to participation in the field placement program;
(7) opportunities for student reflection on their field placement experience, through a seminar, regularly scheduled tutorials, or other means of guided reflection. Where a student can earn four or more academic credits (or equivalent) in the program for fieldwork, the seminar, tutorial, or other means of guided reflection must be provided contemporaneously.

**Interpretation 305-1**
Activities covered by Standard 305(a) include field placement, moot court, law review, and directed research programs or courses for which credit toward the J.D. degree is granted, as well as courses taken in parts of the college or university outside the law school for which credit toward the J.D. degree is granted.

**Interpretation 305-2**
The nature of field placement programs presents special opportunities and unique challenges for the maintenance of educational quality. Field placement programs accordingly require particular attention from the law school and the Accreditation Committee.

**Interpretation 305-3**
A law school may not grant credit to a student for participation in a field placement program for which the student receives compensation. This Interpretation does not preclude reimbursement of reasonable out-of-pocket expenses related to the field placement.

**Interpretation 305-4**
(a) A law school that has a field placement program shall develop, publish and communicate to students and field instructors a statement that describes the educational objectives of the program.

(b) In a field placement program, as the number of students involved or the number of credits awarded increases, the level of instructional resources devoted to the program should also increase.

**Interpretation 305-5**
Standard 305 by its own force does not allow credit for Distance Education courses.

**Standard 306. DISTANCE EDUCATION**

(a) A law school may offer credit toward the J.D. degree for study offered through distance education consistent with the provisions of this Standard and Interpretations of this Standard. Such credit shall be awarded only if the academic content, the method of course delivery, and the method of evaluating student performance are approved as part of the school's regular curriculum approval process.

(b) Distance education is an educational process characterized by the separation, in time or place, between instructor and student. It includes courses offered principally by means of:

(1) technological transmission, including Internet, open broadcast, closed circuit, cable, microwave, or satellite transmission;

(2) audio or computer conferencing;

(3) video cassettes or discs; or

(4) correspondence.
APPENDIX B
For Educational Use Only

§ 478. Practicing or appearing as attorney-at-law without being..., NY JUD § 478

McKinney’s Consolidated Laws of New York Annotated
Judiciary Law (Refs & Annos)
Chapter 30, Of the Consolidated Laws
Article 15, Attorneys and Counsellors (Refs & Annos)

McKinney’s Judiciary Law § 478

§ 478. Practicing or appearing as attorney-at-law without being admitted and registered

Effective: November 1, 2013

Currentness

It shall be unlawful for any natural person to practice or appear as an attorney-at-law or as an attorney and counselor-at-law for a person other than himself or herself in a court of record in this state, or to furnish attorneys or counsel or an attorney and counsel to render legal services, or to hold himself or herself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he or she is a legal practitioner of law or in any manner to advertise that he or she either alone or together with any other persons or person has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice of law, without having first been duly and regularly licensed and admitted to practice law in the courts of record of this state, and without having taken the constitutional oath. Provided, however, that nothing in this section shall be held to apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred three of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities otherwise prohibited by this statute; or (3) to law students who have completed at least two semesters of law school, or to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such students or persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities; or (4) an attorney and counselor-at-law or the equivalent who is admitted to the bar in another state, territory, district or foreign country and who has been admitted to practice pro hac vice in the state of New York within the limitations prescribed in the rules of the court of appeals; or (5) an attorney licensed as a legal consultant under rules adopted by the court of appeals pursuant to subdivision six of section fifty-three of this chapter and rendering legal services in the state within limitations prescribed in such rules.
§ 478. Practicing or appearing as attorney-at-law without being..., NY JUD § 478

Credits

Notes of Decisions (110)

McKinney's Judiciary Law § 478, NY JUD § 478
Current through L.2014, chapters 1 to 90.
No natural person shall ask or receive, directly or indirectly, compensation for appearing for a person other than himself as attorney in any court or before any magistrate, or for preparing deeds, mortgages, assignments, discharges, leases or any other instruments affecting real estate, wills, codicils, or any other instrument affecting the disposition of property after death, or decedents' estates, or pleadings of any kind in any action brought before any court of record in this state, or make it a business to practice for another as an attorney in any court or before any magistrate unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record in the state; but nothing in this section shall apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred thirty of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization, when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities prohibited by this statute; or (3) to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities: or (4) an attorney and counselor-at-law or the equivalent who is admitted to the bar in another state, territory, district or foreign country and who has been admitted to practice pro hac vice in the State of New York within the limitations prescribed in the rules of the court of appeals; or (5) an attorney licensed as a legal consultant under rules adopted by the court of appeals pursuant to subdivision six of section fifty-three of this chapter and rendering legal services in the state within limitations prescribed in such rules.

Credits
§ 484. None but attorneys to practice in the state. NY JUD § 484

Notes of Decisions (20)

McKinney's Judiciary Law § 481, NY JUD § 484
Current through L.2014, chapters 1 to 90.
APPENDIX C
LOCAL RULES AND INTERNAL OPERATING PROCEDURES
OF THE COURT OF APPEALS FOR THE SECOND CIRCUIT
(Effective February 1, 2014)

LOCAL RULES

Local Rule 1.1 Scope and Organization

These local rules (LRs) and internal operating procedures (IOPs) are adopted in accordance with 28 U.S.C. § 2071 and Rule 47 of the Federal Rules of Appellate Procedure (FRAP). To the extent practical, LRs and IOPs are numbered and titled to correspond to FRAP. When there is no FRAP counterpart: (1) an LR is numbered to correspond to FRAP 47, and (2) an IOP is lettered A, B, C, etc., and is located at the end of the LRs. In addition, counsel and parties should consult the court’s instructions and practice guidelines available from the clerk’s office and on the court’s website.

Local Rule 3.1 Electronic Service of the Notice of Appeal

If a party to a civil action in the district court files a notice of appeal electronically in accordance with the Federal Rules of Civil Procedure and the district court’s local rules, the district clerk may satisfy the service requirements of FRAP 3(d) as to a counseled party to the appeal by effecting service electronically.

Local Rule 4.1 Continuation of Counsel in Criminal Appeals

(a) Continuation of Counsel. A criminal defendant’s counsel, whether retained or appointed, is responsible for representing the defendant on appeal unless relieved by this court. This responsibility includes complying with FRAP and all LRS and IOPs.

(b) Motion to Withdraw – Frivolousness of Appeal. Counsel who seeks to withdraw from representing a defendant on appeal on the ground that the appeal presents no non-frivolous issues must file a motion and brief in accordance with Anders v. California, 386 U.S. 738 (1967), subsequent case law, and this court’s instructions.

(c) Motion to Withdraw – Adverse Decision. Within 14 days after a decision by this court that is adverse to the defendant, appointed counsel may file a motion in this court to be relieved of the obligation to file a petition for a writ of certiorari with the U.S. Supreme Court if counsel has reasonable grounds to believe that the petition would have no likelihood of success. The motion must be accompanied by proof of service on the
Local Rule 42.2 Dismissal of Criminal Appeal

A stipulation or motion to voluntarily dismiss a counseled defendant's criminal appeal must be accompanied by the defendant's signed statement that (a) counsel has explained the effect of voluntary dismissal of the appeal, (b) the defendant understands counsel's explanation, and (c) the defendant desires to withdraw and voluntarily dismiss the appeal.

Local Rule 45.1 Clerk's Authority to Issue Orders

The clerk signs and enters, electronically or otherwise, all orders on behalf of the court.

Local Rule 46.1 Attorney Admission

(a) Admission Requirements; Procedures. Except as otherwise provided in these rules, an attorney who appears on behalf of a party or an amicus curiae in any capacity must be admitted to practice before this court, or have pending an application for admission, and must file a Notice of Appearance in accordance with LR 12.3.

(1) Applying for Admission. To request admission to the bar of this court, an attorney must complete an application composed of:

(A) the attorney admission application;

(B) the attorney admission oath; and

(C) the sponsor's motion for attorney admission.

(2) Renewal of Admission; Failure to Renew; Inactive Status. An attorney is admitted for a period of five years, and must renew admission every five years for an additional five-year period. Renewal requires submission of an attorney admission renewal application. An attorney who fails to renew admission within one month after the expiration of the five-year period is placed in inactive status. An attorney in inactive status must complete the renewal process to practice before the court. After 12 months in inactive status, an attorney is removed from the court's admission roll and must reapply for admission in accordance with (a)(1).

(3) Submission of Admission or Renewal Application. An attorney must submit an admission or renewal application electronically in PDF in accordance with the CM/ECF instructions posted on the Court's website.
(A) **Registration in CM/ECF.** Prior to submitting an admission application, an attorney must register as a Filing User in CM/ECF.

(B) **Signature.** The provision governing a Filing User’s signature under LR 25.1(f) applies to submission of an attorney admission or renewal application.

(C) **Certification.** Electronic submission of an attorney admission application constitutes certification that the sponsor’s motion for attorney admission and certificate of standing attached to the application are true and correct copies and that the applicant is maintaining the originals for production to the court upon request.

(D) **Exemption.** Upon an attorney’s showing of extreme hardship or exceptional circumstances by letter, the clerk may exempt counsel from the electronic filing requirements under this rule.

(b) **Change in Contact Information.** An attorney admitted to practice in this court must promptly notify the clerk of a change in any of the contact information required on the attorney admission data form.

(c) **Fee.** An attorney applying for admission or renewal of admission must pay to the clerk electronically in accordance with the instructions posted on the court’s website the fee set by the court and posted on the court’s website.

(d) **Pro Hac Vice Admission.** An attorney may be admitted pro hac vice to appear in a particular proceeding without formally applying for admission or paying the admission fee. Pro hac vice admission will be considered on submission of a written motion to the court before filing a notice of appearance. To qualify, the attorney must be a member in good standing of a state or the District of Columbia bar and must be one of the following:

1. a member of the bar of a district court within the circuit who has represented a criminal defendant at trial and appears for that defendant on an appeal taken under 18 U.S.C. § 3006A;

2. acting for a party proceeding in forma pauperis; or

3. able to demonstrate exceptional circumstances justifying admission for the particular proceeding.

(e) **Appearance and Argument by Eligible Law Students.**

1. **Law Student Appearance.** The court on motion may, with sufficient consent of the party or (for a government entity) counsel of record, permit an eligible law student to appear in this court under the supervision of an attorney.

2. **Supervising Attorney.** The supervising attorney must be a member of the bar of this court and, with respect to the law student’s proposed appearance before this court, must:
(A) file with this court the attorney’s written consent to supervise the student;

(B) assume professional responsibility for the student’s work;

(C) assist the student to the extent necessary; and

(D) introduce and appear with the student in all proceedings before this court and be prepared to supplement any written or oral statement made by the student to this court or opposing counsel.

(3) **Law Student Eligibility.** A law student is eligible to appear if:

(A) the student is enrolled in an ABA-accredited law school and has completed at least four full-time semesters of legal studies (or the equivalent), or has graduated and is awaiting the results of the first bar examination or bar admission process of any state;

(B) the law school certifies that the student is qualified to provide the legal representation permitted by this rule;

(C) the client does not pay any compensation or remuneration for the student’s services; and

(D) the student certifies in writing that the student is familiar and will comply with the ABA’s Model Rules of Professional Conduct, FRAP, the rules of this court, and any other federal rules relevant to the appeal in which the student is appearing.
may have judgment against the complainant for his or her costs and disbursements and a reasonable counsel fee.

RULE 83.5

CAMERAS AND RECORDING DEVICES

(a) Except as provided by order of the Chief Judge or by subparagraph (b), no person, other than Court officials engaged in the conduct of court business and/or responsible for the security or maintenance of Court facilities, shall bring any camera, transmitter, receiver, recording device, cellular telephone, or other personal electronic device into the District’s Courthouses.

(b) Any Judge presiding over a ceremonial proceeding (e.g., naturalization ceremony, mock trial, judge’s investiture) may, in his or her discretion, allow the use of cameras and other equipment during the proceeding.

RULE 83.6

STUDENT PRACTICE RULE

(a) A law student may, with the Court’s approval, under supervision of an attorney, appear on behalf of any person, including the United States Attorney and the New York State Attorney General, who has consented in writing.

(b) The attorney who supervises a student shall:

(1) be a Member of the bar of this Court;

(2) assume personal professional responsibility for the student’s work;

(3) assist the student to the extent necessary;

(4) appear with the student in all proceedings before the Court; and

(5) indicate in writing his or her consent to supervise the student.

(c) In order to be eligible to appear, the law student shall:

(1) be duly enrolled in a law school approved by the American Bar Association;

(2) have completed legal studies amounting to at least two semesters or the equivalent;

(3) be certified by a law school faculty member as qualified to provide the legal representation permitted by these rules. This certification may either be withdrawn by the certifier at any time by mailing a notice to the Clerk or be
terminated by the Judge presiding in the case in which the student appears without notice, hearing, or cause. The termination of certification by action of a Judge shall not be considered a reflection on the character or ability of the student;

(4) be introduced to the Court by an attorney admitted to practice before this Court;

(5) neither ask for nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf he or she renders services, but this shall not prevent an attorney, legal aid bureau, law school, public defender agency, a state, or the United States from paying compensation to the eligible law student, nor shall it prevent any agency from making proper charges for his or her services;

(6) certify in writing that he or she is familiar with and will comply with New York Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York, and as interpreted and applied by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and this Court; and

(7) certify in writing that he or she is familiar with the federal procedural and evidentiary rules relevant to the action in which he or she is appearing.

(d) The law student, supervised in accordance with these rules, may:

(1) appear as counsel in Court or at other proceedings when written consent of the client (on the form available in the Clerk’s office), or written consent of the United States Attorney when the client is the United States (or an officer or agency thereof) or of the Attorney General of New York when the client is the State of New York (or an officer or agency thereof) and the supervising attorney’s name has been filed, and when the Court has approved the student’s request to appear in the particular case to the extent that the Judge presiding at the hearing or trial permits; and

(2) prepare and sign motions, petitions, answers, briefs, and other documents in connection with the matter in which he or she has met the conditions of (d)(1) above; each such document shall also be signed by the supervising attorney.

(e) Forms for designating compliance with this rule shall be available in the Clerk’s office. Completed forms shall be filed with the Clerk.

(f) Practice by students pursuant to this rule shall not be deemed to constitute the practice of law within the meaning of the rules for admission to the bar of any jurisdiction.
RULE 83.7

STUDENT LAW CLERKS

(a) A law student may serve as a student law clerk to a District Judge or Magistrate Judge of this Court.

(b) In order to so serve, the law student shall:

(1) be duly enrolled in a law school approved by the American Bar Association;

(2) have completed legal studies amounting to at least two semesters or the equivalent;

(3) neither be entitled to ask for nor receive compensation of any kind from the Court or anyone in connection with service as a student law clerk to a Judge;

(4) if required by the Judge, certify in writing that he or she will abstain from revealing any information and making any comments at any time, except to his or her faculty advisor or to court personnel as specifically permitted by the Judge to whom he or she is assigned, concerning any proceeding pending or impending in this Court while he or she is serving as a student law clerk. A copy of such certification shall be filed with the Clerk.

(c) A Judge supervising a student law clerk may terminate or limit the clerk’s duties at any time without notice, hearing, or cause. Such termination or limitation shall not be considered a reflection on the character or ability of the student law clerk unless otherwise specified.

(d) An attorney in a pending proceeding may at any time request that a student law clerk not be permitted to work on or have access to information concerning that proceeding and, on a showing that such restriction is necessary, a Judge shall take appropriate steps to restrict the student law clerk’s contact with the proceeding.

(e) For the purposes of Canons 3-A(4) and 3-A(6) of the Code of Judicial Conduct for United States Judges, a student law clerk is deemed to be a member of the Court’s personnel.

(f) Forms designating compliance with this rule shall be available in the Clerk’s office.

RULE 83.8

MODIFICATION OF RULES

Any of the foregoing rules shall, in special cases, be subject to such modification as may be necessary to meet emergencies or to avoid injustice or great hardship.
APPENDIX D
State of New York,
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany
on the 14th day of September, 2012

Present, HON. JONATHAN LIPPMAN, Chief Judge, presiding

In the Matter

of

The Amendment of the Rules of the Court of Appeals
for the Admission of Attorneys and Counselors at Law.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED, that Part 520 of the Rules of the Court of Appeals for the Admission of
Attorneys and Counselors at Law (22 NYCRR Part 520) is amended, effective January 1, 2013,
or as soon thereafter as section 52 of the Judiciary Law is complied with, to add section 520.16
thereto. Section 520.16 provides as follows:

§ 520.16 Pro Bono Requirement for Bar Admission.

(a) Fifty-hour pro bono requirement. Every applicant admitted to the New York State
bar on or after January 1, 2015, other than applicants for admission without examination
pursuant to section 520.10 of this Part, shall complete at least 50 hours of qualifying pro bono
service prior to filing an application for admission with the appropriate Appellate Division
department of the Supreme Court.

(b) Pro bono service defined. For purposes of this section, pro bono service is supervised
pre-admission law-related work that:

(1) assists in the provision of legal services without charge for
    (i) persons of limited means;
    (ii) not-for-profit organizations; or
    (iii) individuals, groups or organizations seeking to secure or promote access to justice,
         including, but not limited to, the protection of civil rights, civil liberties or public
         rights;
(2) assists in the provision of legal assistance in public service for a judicial, legislative,
    executive or other governmental entity; or
(3) provides legal services pursuant to subdivisions two and three of section 484 of the
    Judiciary Law, or pursuant to equivalent legal authority in the jurisdiction where the
    services are performed.
(c) **Supervision required.** All qualifying pre-admission pro bono work must be performed under the supervision of:

1. a member of a law school faculty, including adjunct faculty, or an instructor employed by a law school;
2. an attorney admitted to practice and in good standing in the jurisdiction where the work is performed; or
3. in the case of a clerkship or externship in a court system, by a judge or attorney employed by the court system.

(d) **Location of pro bono service.** The 50 hours of pro bono service, or any portion thereof, may be completed in any state or territory of the United States, the District of Columbia, or any foreign country.

(e) **Timing of pro bono service.** The 50 hours of pro bono service may be performed at any time after the commencement of the applicant's legal studies and prior to filing an application for admission to the New York State bar.

(f) **Proof required.** Every applicant for admission shall file with the appropriate Appellate Division department an Affidavit of Compliance with the Pro Bono Requirement, describing the nature and dates of pro bono service and the number of hours completed. The Affidavit of Compliance shall include a certification by the supervising attorney or judge confirming the applicant's pro bono activities. For each position used to satisfy the 50-hour requirement, the applicant shall file a separate Affidavit of Compliance.

(g) **Prohibition on political activities.** An applicant may not satisfy any part of the 50-hour requirement by participating in partisan political activities.
APPLICATION FOR ADMISSION TO PRACTICE AS AN ATTORNEY AND COUNSELOR-AT-LAW IN THE STATE OF NEW YORK

FORM AFFIDAVIT AS TO APPLICANT’S COMPLIANCE WITH THE PRO BONO REQUIREMENTS, INCLUDING CERTIFICATION BY SUPERVISOR

INSTRUCTIONS
All applicants for admission to practice as attorneys in New York State must complete at least 50 hours of law-related pro bono work as defined and required by Court of Appeals Rule § 520.16 prior to being admitted. Applicant must submit a form affidavit for each pro bono project that applicant is using to satisfy the 50-hour requirement and must secure the certification of the individual who supervised each project. All applicants should refer to the Frequently Asked Questions about Pro Bono Requirements (available at www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml) for further information about qualifying work.

PLEASE PRINT OR TYPE THIS FORM

To Be Certified Under Oath By Applicant:

NAME OF APPLICANT

ADDRESS OF APPLICANT

CITY / TOWN / VILLAGE

STATE

ZIP

COUNTRY (if not USA)

NAME OF ORGANIZATION/DEPARTMENT WHERE PRO BONO EXPERIENCE WAS COMPLETED

SUPERVISING ATTORNEY

ORGANIZATION/DEPARTMENT ADDRESS

STATE

ZIP

COUNTRY (if not USA)

ORGANIZATION PHONE

ORGANIZATION E-MAIL

DATES OF SERVICE: From (mm/dd/yyyy): ___________________________ To (mm/dd/yyyy): ___________________________

NUMBER OF HOURS COMPLETED: __________

INDICATE CATEGORY OF SERVICE by checking appropriate box below:

☐ Legal Services Provider ☐ Government Service ☐ Law School Sponsored Program ☐ Other

All applicants must provide a description of the nature of the pro bono work completed. If applicant performed the pro bono work outside the United States, complete details must be included about the type of work performed, the nature of the program and where the work was performed. (Attach additional sheets if needed.)

Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York:
Form Affidavit as to Applicant's Compliance with the Pro Bono Requirements

09/14/2012
STATE (Country) OF: __________________________
__________________________ ss.: 
COUNTY (City) OF: __________________________

I (name of applicant), ____________________________, SWEAR (OR AFFIRM) that the foregoing information is true and accurate to the best of my knowledge.

Signature of Applicant: __________________________________________
Print Name: ____________________________________________________

Subscribed and sworn to or affirmed before me this ______ day of ___________ in the year 20____.

________________________________________
Notary Public
(Affix seal or stamp.)

(If this affidavit is sworn to outside the United States, its commonwealths, territories or possessions, attach a certificate of the attesting officer's authority.)

To Be Completed By Supervisor:

SUPERVISOR CERTIFICATION

I HEREBY CERTIFY (a) that I have read the foregoing Affidavit of Compliance and (b) that the applicant has accurately described the circumstances, timing and nature of the pro bono work described therein.

▲ ATTORNEY SIGNATURE ▼ PRINT ATTORNEY NAME ▼ DATE

▲ ATTORNEY TITLE

▲ ATTORNEY EMPLOYER:

▲ JURISDICTION WHERE ADMITTED TO PRACTICE LAW:

▲ E-MAIL ADDRESS ▼ TELEPHONE

▲ COMMENTS (if further explanation is necessary)
NEW YORK STATE BAR ADMISSION: PRO BONO REQUIREMENT
FAQs (January 2, 2014 rev.; updated February 10, 2014)

[Click on a question to move directly to that Q&A]

Purposes and Goals

1. What is the Pro Bono Requirement?

2. When does the Pro Bono Requirement take effect for law students attending an American Bar Association-approved law school?

3. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.6 based on a qualifying foreign law degree or a foreign first degree in law together with a qualifying LL.M. degree from an American Bar Association-approved law school in the United States?

4. If I am seeking to obtain an LL.M. degree at an American Bar Association-approved law school in the United States under Court of Appeals Rule 520.6, when can I perform my 50 hours of pro bono service?

5. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.5 based on graduation from a law school not approved by the American Bar Association?

6. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.4 based on successful completion of one year at an American Bar Association-approved law school and a clerkship at a New York law office?

7. Who is required to fulfill the Pro Bono Requirement?

8. When can I begin to fulfill the Requirement?

9. When do my required hours of qualifying pro bono work need to be completed?

10. Where can my pro bono work be performed?

---

1This revision to the FAQs previously issued on August 26, 2013, includes amendments to the substance of the following FAQs: 2, 3, 5, 6, 7, 8, 11, 12(a)(iv), 12(d), 19, 20, 21, 24, 28, 32, 37, 40 and 43. On February 10, FAQ 43 was updated to delete reference to the availability of a toll-free number for inquiries.
11. Since I am a student not yet admitted to the bar, what types of work may I perform in furtherance of the objectives of the Pro Bono Requirement?

12. What types of projects will meet this Requirement?

13. To what extent is supervision necessary?

14. If I perform pro bono work in a country other than the United States, are there additional requirements?

15. Do all the hours that I spend working at a qualifying law school clinic count? If I receive academic credit for my participation in the clinic, does that disqualify my work?

16. If I receive a stipend or grant from my law school or a third party in connection with a law-school sponsored internship or externship, does that disqualify my work?

17. Does legal research for a law professor qualify?

18. If I participate in a survey project involving the questioning of litigants, will those hours satisfy the 50-hour Rule?

19. If I participate in a program that provides assistance in completing federal or state tax forms, will those hours qualify?

20. Will participation in a mediation program qualify?

21. If I act as an interpreter or provide translation services involving a person receiving pro bono services, can I count that time toward my 50-hours?

22. Will participation in a student-directed pro bono project count?

23. Will work on a pro bono project that is not sponsored by my law school qualify?

24. Will volunteer work on a political campaign, the collection or review of signatures on petitions, work as a poll inspector for elections or work on election litigation qualify? Will assisting with litigation involving an election or a candidate’s qualification for nomination, election or office qualify? Will legal research for a political group qualify?

25. If I am hired for a summer position or for a part-time position during the academic year at a law firm, a legal services provider or a government agency and I am paid a salary, will my work on pro bono matters qualify?

26. May I count qualifying work performed in a full-time salaried position with a law firm, government agency or legal services provider following law school graduation?
27. Does community service qualify?

28. Does participation as a mentor or organizer in a mock trial program for high school or college students qualify? Does organizing a moot court competition at my law school qualify?

29. May I work on more than one project to achieve my 50 hours?

30. Does time spent on administrative tasks incidental to the work, such as photocopying or transportation, qualify?

31. If my law school has a mandatory pro bono requirement for graduation, can the hours that I work to meet the school’s requirement also be used toward the Pro Bono Requirement?

32. How do I demonstrate compliance with the Pro Bono Requirement?

33. What is the process for getting my Form Affidavit of Compliance notarized?

34. When should my supervisor sign my Affidavit of Compliance?

35. If I work at more than one program, do I need to complete more than one form affidavit?

36. If I work on more than one matter at a legal services provider or firm, do I need to supply an Affidavit of Compliance for each case or matter?

37. Can a photocopy or digital, electronic copy of my Affidavit of Compliance be filed with my admission application to the appropriate Appellate Division?

38. May I complete my form at the time I conclude a pro bono project, even if it is before I am applying for admission?

39. Where do I obtain the necessary form(s)?

40. When and where do I file the Form Affidavit of Compliance?

41. What kind of records should I keep and for how long?

42. Will special hardship waivers be granted relieving persons from having to comply with the Pro Bono Requirement? Do I need to satisfy the Pro Bono Requirement if I’m enrolled in an evening course of law study and I have a full-time day job? Do I need to satisfy the Pro Bono Requirement if I am completing an LL.M. degree in order to qualify to take the New York bar examination?

43. If I have a question not addressed in these FAQs, where can I seek assistance?
Purposes and Goals

On Law Day, May 1, 2012, Chief Judge Jonathan Lippman announced a new initiative aimed at providing additional legal resources to expand access to justice for low-income New Yorkers. After describing his success in securing additional funding for civil legal services providers in the state and acknowledging other efforts to ensure equal access to justice, the Chief Judge explained that more was needed and, beginning in 2013, prospective attorneys will be required to spend 50 hours performing pro bono work as a requirement for admission to practice law in New York State.

As emphasized by Chief Judge Lippman, it has become increasingly difficult to provide equal justice for all New York citizens:

"We are facing a crisis in New York and around the country. At a time when we are still adjusting to the realities of shrinking state coffers and reduced budgets, more and more people find themselves turning to the courts. The courts are the emergency rooms of our society -- the most intractable social problems find their way to our doors in great and increasing numbers. And more and more of the people who come into our courts each day are forced to do so without a lawyer." 

Millions of litigants each year in New York State are navigating the complexities of the court system unassisted by an attorney:

"The new pro bono service requirement for admission to the New York bar serves to address the state's urgent access to justice gap, at the same time helping prospective attorneys build valuable skills and imbuing in them the ideal of working toward the greater good. It is so important that the next generation of lawyers in New York embraces the core values of our profession that so fundamentally include pro bono legal assistance."

Lawyers have a professional responsibility to promote greater access to justice. "As far back as judges and lawyers have existed, the pursuit of equal justice for all, rich and poor alike, has been the hallmark of our profession," the Chief Judge explained. Each attorney has an obligation to foster the values of justice, equality, and the rule of law, and it is imperative that law students gain a recognition of this obligation as part of their legal training.

The pro bono requirement for bar admission is intended to have several beneficial outcomes. In addition to easing the gap in legal assistance, another goal is to provide instructive and meaningful experiences to law students that will expose them to the pressing needs of the less fortunate. This will instill a deeper understanding of the problems confronted by those segments of society that have little access to legal resources and institutions. These pro bono experiences hopefully will encourage law students to continue with volunteer pro bono services after they are admitted, and help prospective lawyers acquire hands-on skills under the supervision of committed members of the legal profession. Attorneys who engage in pro bono legal services derive considerable personal satisfaction from their volunteer efforts, and this initiative hopes to inculcate those same intrinsic rewards in lawyers-in-training.
The proposed Pro Bono Requirement rule was formulated by the Advisory Committee on Pro Bono Bar Admission Requirements (http://www.nycourts.gov/press/pr2012_03.shtml), which took into account the views and comments of law schools in New York and throughout the country, bar associations, attorneys, law students, providers of legal services to low-income individuals and other interested parties. The Administrative Board of the New York Courts reviewed and approved the Committee’s recommendations, and the Court of Appeals adopted section 520.16 to Part 520 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law, which sets forth the 50-hour requirement (see 22 NYCRR 520.16).

* * *

The following frequently asked questions (FAQs) address key inquiries about who must comply with the Pro Bono Requirement for admission to the bar in New York, what types of work qualify, when the qualifying pro bono work is to be performed, what documentation is necessary and when an applicant for admission must file the required documentation. These FAQs are intended to provide general guidance. In the event of any conflict between the information contained in these FAQs and the text of section 520.16, the latter controls.

NEW YORK’S PRO BONO REQUIREMENT FOR ADMISSION TO THE BAR

1. What is the Pro Bono Requirement?

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/ctcpps.

2. When does the Pro Bono Requirement take effect for law students attending an American Bar Association-approved law school?

Whether a law student must perform 50 hours of qualifying pro bono service depends on the student’s estimated date of admission to the New York bar, as explained more fully below:

a. Any applicant seeking to be admitted to practice in New York based on successful passage of the bar examination must satisfy the 50-hour Requirement if the applicant’s admission will occur after January 1, 2015. 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 hours of qualifying pro bono work before you apply for admission to the New York bar. In other words, if you 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 will most likely 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 graduated from law school in the spring of 2013 and you took and passed 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.

3. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.6 based on a qualifying foreign law degree or a foreign first degree in law together with a qualifying LL.M. degree from an American Bar Association-approved law school in the United States?

Applicants who qualify for the bar examination under Rule 520.6 are required to satisfy the Pro Bono Requirement if they plan to be admitted to practice law in New York State after January 1, 2015. You may complete your 50 hours of qualifying work in another state or country. However, for those seeking to take the bar examination based on a qualifying foreign law degree, only eligible pro bono work performed on or after May 1, 2012 (the date the Requirement was announced), will satisfy the rule. For those seeking to take the bar examination based on a foreign first degree in law with a qualifying LL.M. degree from an American Bar Association-approved law school in the United States, please see FAQ. 4.

4. If I am seeking to obtain an LL.M. degree at an American Bar Association-approved law school in the United States under Court of Appeals Rule 520.6, when can I perform my 50 hours of pro bono service?

Foreign-educated candidates planning to acquire an LL.M. degree from an American Bar Association-approved law school in the United States for the purpose of qualifying to take the New York bar examination under Court of Appeals Rule 520.6 may engage in their 50 hours of qualifying pro bono service one year before the commencement of the LL.M. course of study. Of course, such LL.M. candidates may perform some of all of their 50 hours of qualifying work in the United States, either during or after an 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 the 50-hour Requirement must be completed before applying for admission.

Even if a foreign-educated applicant is admitted to practice in a foreign jurisdiction, the 50 hours of pro bono work must be law-related, and an attorney admitted to practice in the jurisdiction where the work is performed must complete the supervisor certification on the Affidavit of Compliance that must be filed with the applicant’s admission application.
5. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.5 based on graduation from a law school not approved by the American Bar Association?

Applicants who qualify for the bar examination under Rule 520.5 are required to satisfy the Pro Bono Requirement if they plan to be admitted to practice law in New York State after January 1, 2015. However, only qualifying pro bono work performed on or after May 1, 2012, will be eligible to satisfy the Rule.

6. When does the Pro Bono Requirement take effect for those who qualify to take the bar examination pursuant to Court of Appeals Rule 520.4 based on successful completion of one year at an American Bar Association-approved law school and a clerkship at a New York law office?

Applicants who qualify for the bar examination under Rule 520.4 are required to satisfy the Pro Bono Requirement if they plan to be admitted to practice law in New York State after January 1, 2015. However, only qualifying pro bono work performed on or after May 1, 2012, will be eligible to satisfy the Rule.

7. Who is required to fulfill the Pro Bono Requirement?

a. With the exception of persons covered by subsection (b) of this FAQ, all individuals who are admitted to the New York bar after January 1, 2015 must demonstrate that they have completed 50 hours of qualifying pro bono work. If you are planning to take the New York bar examination in July 2014, and your admission occurs after January 1, 2015, you will need to satisfy the Pro Bono Requirement.

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.

8. When can I begin to fulfill the Requirement?

If you are currently a law student at an American Bar Association-approved law school, eligible pro bono work performed at any time after you commenced your legal education will qualify to meet the Requirement, as long as the work does not violate any of your law school's regulations or policies about student employment or volunteer activities.

9. When do my required hours of qualifying pro bono work need to be completed?

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. 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.

10. Where can my pro bono work be performed?

Your 50 hours of pro bono work may be performed anywhere that is convenient for you, so long as the work complies with all other aspects of the Pro Bono Requirement. You may satisfy all or some of the 50 hours in another state or a foreign country, provided the nature and supervision of your service complies with the Pro Bono Requirement.

11. Since I am a student not yet admitted to the bar, what types of work may I perform in furtherance of the objectives of the Pro Bono Requirement?

a. First, 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 lawyers-in-training not yet admitted to practice, and 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 directly related to client representation. 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.

Keep in mind that the primary purpose of the Pro Bono Requirement is to enhance the provision of legal resources available to persons who would otherwise not be able to access or afford legal assistance. Toward this objective, you should seek pro bono work with programs or entities that aim to improve access to justice, are engaged in the representation of low-income or disadvantaged individuals or provide government services in furtherance of these objectives.

b. Second, your work must be performed under the supervision of:
   i. a member of the law school faculty, including adjunct faculty, or an instructor employed by a law school;
   ii. an attorney admitted to practice and in good standing with the bar in the jurisdiction in which the work is performed, or;
   iii. in the case of a clerkship or externship in a court system, by a judge or an attorney employed by the court system.

Your supervisor will need to certify the hours that you spent on pro bono work when you complete your Form Affidavit of Compliance with the Pro Bono Requirement as part of your admission application to the Appellate Division of the New York Supreme Court.
12. What types of projects will meet this Requirement?

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.

The following are examples of the type of work that will qualify:

a. 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 -- 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 if legal issues are involved;
   v. represent incarcerated persons or pursue prisoner rights litigation;
   vi. advocate for victims of alleged human rights violations or the protection of civil liberties;
   vii. litigate on behalf of classes of individuals who could not otherwise afford representation;
   viii. represent applicants at public assistance hearings, such as eligibility reviews or hearings for food stamp assistance; or
   ix. assist individuals with the drafting and completion of their petitions in Family or Housing Courts.

b. Externships or internship placements 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.

c. 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.
d. Law-related work for a not-for-profit organization qualifying as tax exempt under Internal Revenue Code § 501(c)(3) or for an organization
   i. providing free civil legal services for low-income individuals;
   ii. providing criminal legal services for the indigent; or
   iii. serving the poor or disadvantaged or otherwise promoting access to justice.

e. 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.

f. Legal services provided in accordance with the provisions of a student practice order issued by a judicial department of the Appellate Division.

13. To what extent is supervision necessary?

As required by the Affidavit of Compliance that must be filed with an applicant’s admission packet, a supervisor must certify that the applicant has accurately described the circumstances, timing and nature of the pro bono work described by the applicant on the form. Therefore, supervision of the applicant’s work must be sufficient to supply an adequate basis for the certification.

Constant, physical presence of a supervisor during the performance of pro bono work may not be necessary, but supervision must be reasonable to the extent that adequate training, guidance, instruction and evaluation will be provided to assure that appropriate services are being performed. For instance, if law students are answering a hotline or performing in-take services for a legal services provider, a supervisor should be accessible to answer students’ questions that may arise in the course of the performance of their work. Such supervisory assistance may not necessitate the physical presence of the supervisor -- supervision could be available through video or telephone accessibility, so long as the means of supervision is adequate to assure that appropriate information and services are being performed.

In large measure, the means and extent of required supervision are dependent on the nature of the pro bono services. Keep in mind that one goal of the Pro Bono Requirement is to expose law students to meaningful pro bono service, and successful outcomes require adequate training, oversight and evaluation by knowledgeable supervisors admitted to practice in the jurisdictions where the work is performed.

14. If I perform pro bono work in a country other than the United States, are there additional requirements?

Yes. If your pro bono work is performed, in whole or in part, outside the United States, you will be required to explain in detail the nature and circumstances of your work as part of your application for admission.
15. Do all the hours that I spend working at a qualifying law school clinic count? If I receive academic credit for my participation in the clinic, does that disqualify my work?

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.

16. If I receive a stipend or grant from my law school or a third party in connection with a law-school sponsored internship or externship, does that disqualify my work?

No. Your receipt of a stipend or grant does not disqualify the work.

17. Does legal research for a law professor qualify?

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.

18. If I participate in a survey project involving the questioning of litigants, will those hours satisfy the 50-hour Rule?

It depends. The first eligibility factor is whether the project is law-related, meaning that the questions posed must have a purpose involving court proceedings, legal procedures or legal issues. But merely asking questions of litigants is not considered the provision of pro bono services. In order to qualify as pro bono work, a survey project should involve an educational/training component so that student participants acquire useful substantive and procedural knowledge and information. There must also be a pro bono purpose to a survey project, such as the eventual recommendation of reforms pertaining to legal issues affecting the poor or the preparation and issuance of a report with recommendations that will ameliorate particular legal issues confronting the poor or underserved populations. And, adequate supervision must be provided so that the requisite supervisory certification required by the Affidavit of Compliance can be issued.

19. If I participate in a program that provides assistance in completing federal or state tax forms, will those hours qualify?

If the program is designed to assist low-income individuals and there are legal taxation issues to be addressed, then it is probable that such services will qualify, providing that there is adequate supervision, training and evaluation to assure that appropriate tax information is being dispensed. If the tax-related assistance is of the type that can be performed by someone with only tax training and without legal training, it will not qualify.

20. Will participation in a mediation program qualify?

The requirements of the Pro Bono Rule must be complied with so the eligibility of hours spent as a mediator requires consideration of whether the mediation services are being provided to poor or low-income clientele. Since mediation services can be performed by nonlawyers, qualifying mediation services must involve legal training and the issues involved must be law-related -- the mediation of non-
legal disputes will not qualify. Qualifying mediation work also requires appropriate legal training in the subject matter of the mediation, adequate supervision to assure that the services are properly performed and evaluation of the work performed.

21. If I act as an interpreter or provide translation services involving a person receiving pro bono services, can I count that time toward my 50-hours?

Providing interpretive or translation services does not fulfill the Pro Bono Requirement even if it is provided in the context of a fact-finding interview of a poor client receiving pro bono legal services. However, if the interpretive or translation services are ancillary to the qualifying pro bono legal work that you are engaged in with the client, then the fact that you are supplying interpretive services or translation will not disqualify the otherwise qualifying work hours. Only the legal services hours will be eligible to satisfy the Requirement.

22. Will participation in a student-directed pro bono project count?

No. Student-directed pro bono projects that are not supervised as discussed in FAQ 13 do not qualify.

23. Will work on a pro bono project that is not sponsored by my law school qualify?

You may work on an otherwise qualifying project that is not sponsored by your law school so long as the other conditions of the Pro Bono Requirement are met.

24. Will volunteer work on a political campaign, the collection or review of signatures on petitions, work as a poll inspector for elections or work on election litigation qualify? Will assisting with litigation involving an election or a candidate's qualification for nomination, election or office qualify? Will legal research for a political group qualify?

No. Campaign work, activities of a political nature or for a political organization, or legal research for a political organization will not qualify.

25. If I am hired for a summer position or for a part-time position during the academic year at a law firm, a legal services provider or a government agency and I am paid a salary, will my work on pro bono matters qualify?

Yes, if such work would otherwise comply with the definition of qualifying pro bono work. However, you cannot receive a bonus, additional compensation or other reward from your employer because you performed pro bono work.

26. May I count qualifying work performed in a full-time salaried position with a law firm, government agency or legal services provider following law school graduation?

Work performed during full-time legal employment prior to admission to the bar will satisfy the 50-hour Requirement if such activities otherwise comply with the definition of qualifying pro bono work. For instance, if you commence employment at a law firm after taking the bar examination and you are
assigned to work with an attorney at the firm who is handling a pro bono case, your work on that pro bono litigation will qualify, provided that the client is not paying for the legal services.

27. Does community service qualify?

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 so general community service projects will not qualify.

28. Does participation as a mentor or organizer in a mock trial program for high school or college students qualify? Does organizing a moot court competition at my law school qualify?

No. Although such activities are beneficial, they do not serve the intent and purpose of the Pro Bono Requirement.

29. May I work on more than one project to achieve my 50 hours?

Yes, but it is recommended that you complete the 50 hours in one program so that you gain more consistent experience and the program receives the benefit of your spending more hours.

30. Does time spent on administrative tasks incidental to the work, such as photocopying or transportation, qualify?

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.

31. If my law school has a mandatory pro bono requirement for graduation, can the hours that I work to meet the school’s requirement also be used toward the Pro Bono Requirement?

Yes, if the work otherwise complies with the requirements of the pro bono Rule (see 22 NYCRR 520.16).

32. How do I demonstrate compliance with the Pro Bono Requirement?

As part of your Application for Admission, you will be required to complete an Form Affidavit of Compliance with the Pro Bono Requirement wherein you will explain your pro bono work. You will be required to identify when and where the work was performed, provide a description of your work or project and identify your supervisor. You must provide sufficient detail to permit the Character and Fitness Committee to evaluate compliance with all aspects of the Requirement. The form will also contain a certification to be completed by your supervising attorney, judge or legal officer attesting to
the hours you worked. You will also be required to attest under penalty of perjury to the truth of the information that you have supplied in the Form Affidavit of Compliance.

33. **What is the process for getting my Form Affidavit of Compliance notarized?**

Once you have completed all of the information required on the first page of the affidavit, the form should be taken 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 place your signature on page 2. The notary will then sign the form and affix a seal or stamp. Do not sign you name on page 2 prior to appearing before the notary. As indicated on the form, if the affidavit is completed outside of the United States, its commonwealths, territories or possessions, and you are unable to use a notary public, you may have an equivalent attesting officer before whom you can affirm, acknowledge your signature and sign your affidavit. However, you must attach a certificate of the attesting officer’s authority to your affidavit.

34. **When should my supervisor sign my Affidavit of Compliance?**

After you have completed page 2 and secured the notarization of your signature on page 2, you can request that your supervisor complete the supervisor certification section of the affidavit.

35. **If I work at more than one program, do I need to complete more than one form affidavit?**

Yes, a separate Form Affidavit of Compliance will be required for each law firm, service provider, clinic, government agency or program where you acquired your pro bono hours.

36. **If I work on more than one matter at a legal services provider or firm, do I need to supply an Affidavit of Compliance for each case or matter?**

No, so long as all projects were supervised by the same attorney. If your various projects involved more than one supervisor, you may need multiple Affidavits of Compliance since a certification by a supervising attorney familiar with your 50 hours of work will be required. For instance, if you work on housing court cases for six different clients of a Legal Aid Society office, and one supervisor provided oversight of your work, you need not complete six affidavits.

37. **Can a photocopy or digital, electronic copy of my Affidavit of Compliance be filed with my admission application to the appropriate Appellate Division?**

No, each of the four Appellate Divisions requires that all documents pertaining to an admission application must be filed as original, hard copies. The Appellate Divisions do not currently accept photocopies or electronic filings of admission materials. It is your responsibility to maintain the original(s) of your affidavit(s) until such time as you apply for admission to practice. It may be helpful to keep a copy of your completed affidavit(s) in the event that you lose the original form and must prepare a new one – the copy will be a useful reference for you and your supervisor.
38. May I complete my form at the time I conclude a pro bono project, even if it is before I am applying for admission?

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.

39. Where do I obtain the necessary form(s)?

The Affidavit of Compliance is available at

http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml

and at the websites of the four Appellate Divisions:


40. When and where do I file the Form Affidavit of Compliance?

Since compliance must be demonstrated as part of your application for admission, you will file the Form Affidavit of Compliance with your admission packet at the appropriate Appellate Division of the New York Supreme Court. The current Multi-Department Admission Packet can be viewed at the website of the New York State Board of Law Examiners:

http://www.nybarexam.org/Admission/Admission.htm.

Note 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 New York bar examination.

41. What kind of records should I keep and for how long?

You should retain a record of the necessary information related to your qualifying pro bono work until you submit your application packet to the Appellate Division. If you and your supervisor completed a Form Affidavit of Compliance at some earlier point, it’s your responsibility to retain the form for inclusion in your application of admission packet. Also, be prepared to discuss your pro bono work at your Character and Fitness interview.
42. Will special hardship waivers be granted relieving persons from having to comply with the Pro Bono Requirement? Do I need to satisfy the Pro Bono Requirement if I'm enrolled in an evening course of law study and I have a full-time day job? Do I need to satisfy the Pro Bono Requirement if I am completing an LL.M. degree in order to qualify to take the New York bar examination?

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 LL.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. You will be expected to complete the 50-hour Requirement either during your course of legal education or after you have taken the bar examination and before admission. Your admission will be delayed if you have not complied with the Requirement so it is strongly recommended that you do not unnecessarily postpone completing the required pro bono hours.

43. If I have a question not addressed in these FAQs, where can I seek assistance?

You may visit http://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml for further information and updates.

If you have additional questions, the best way to communicate them is by email to ProBonoRule@nycourts.gov. Include specific information about the pro bono project that is the subject of your inquiry.

Please be aware that the ultimate decision about whether the Pro Bono Requirement is satisfied will be made by the Character and Fitness Committee of the Appellate Division Department to which your application for admission to the New York Bar is submitted. The FAQs and any responses to inquiries sent to the email address ProBonoRule@nycourts.gov represent the interpretations of the Requirement made by Advisory Committee on New York State Pro Bono Bar Admission Requirements appointed by the Chief Judge to assist in implementing the program.
APPENDIX E
NEW YORK STATE SUPREME COURT
APPELLATE DIVISION: (check one)
☐ 1ST DEPT.  ☐ 2ND DEPT.  ☐ 3RD DEPT.  ☐ 4TH DEPT.

In the Matter of the Application of

(name of applicant)

for Admission to Practice as an Attorney and Counselor-at-Law.

BOLE ID# (NYS Board of Law Examiners Identification Number):

INSTRUCTIONS
For each law-related employment or period of solo law practice listed by applicant on the application for admission questionnaire (see question number 7), applicant must submit this form affidavit. For a period of solo practice, this affidavit must be completed by an attorney. Unless otherwise not feasible, this affidavit should not be completed by persons related to applicant by blood or marriage. The person completing this form affidavit should return it to the applicant, who should submit it with and at the same time as his or her application for admission questionnaire.

TO BE COMPLETED BY AFFIANT(S):

STATE (COUNTRY) OF _______________________

________________________) SS.:________________________

COUNTY (CITY) OF _______________________

I, ______________________, (name of affiant), being duly sworn, depose and say that the answers to the following questions have been written by me or under my direction; that the substance and the language have been supplied by me and not by applicant or any other person; and that both the questions and the answers have been carefully read by me, and that the several answers are true to my own knowledge, except those stated to have been made on information and belief, or which express my opinion, and as to those answers, I believe them to be true.

1. My home and office addresses (full mailing addresses) are as follows:

<table>
<thead>
<tr>
<th>HOME ADDRESS</th>
<th>STREET</th>
<th>CITY / TOWN / VILLAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE</td>
<td>ZIP</td>
<td>COUNTRY (if not USA)</td>
</tr>
<tr>
<td>TELEPHONE</td>
<td>E-MAIL (if any)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>OFFICE ADDRESS</th>
<th>STREET</th>
<th>CITY / TOWN / VILLAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>STATE</td>
<td>ZIP</td>
<td>COUNTRY (if not USA)</td>
</tr>
<tr>
<td>TELEPHONE</td>
<td>E-MAIL (if any)</td>
<td></td>
</tr>
</tbody>
</table>
2. To be completed only by affiants who are attorneys. I am currently admitted to practice and in good standing in the following jurisdiction(s) and was so admitted on the following dates:

<table>
<thead>
<tr>
<th>JURISDICTION</th>
<th>YEAR OF ADMISSION</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

3. To be completed only by attorneys confirming a period of solo practice of law by applicant.

(a) The length and nature of my acquaintance with the applicant is as follows:

(b) Applicant engaged in the solo practice of law at the following address(es) during the following period(s) of time:

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE/COUNTRY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE/COUNTRY</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

4. To be completed by affiants confirming a law-related employment by applicant (not solo practice).

(a) Applicant was employed by me individually in a law-related capacity or was employed in a law-related capacity as follows:

(1) Name and address of employer:

<table>
<thead>
<tr>
<th>NAME OF EMPLOYER</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>EMPLOYER'S ADDRESS</th>
<th>CITY / TOWN / VILLAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STATE</th>
<th>ZIP</th>
<th>COUNTRY (if not USA)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>TELEPHONE</th>
<th>NATURE OF EMPLOYER'S BUSINESS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>
(2) Beginning and ending dates of employment (or that it continues to date) (if terminated, affiant should state how and why):

PERIOD FROM (Month / Year): ____________ To (Month / Year): ______________ or Continues to Date ____________

IF TERMINATED: HOW AND WHY? □

(3) Position and nature and extent of legal services performed by applicant:

POSITION(S) HELD AND NATURE OF LEGAL SERVICES PERFORMED □

(b) My relationship with the employer and applicant during the period of employment was as follows:

(1) My position with employer (for example, member of employing firm, head of law department of a corporation, managing attorney, etc.):

MY POSITION(S) □

(2) Nature and frequency of my contacts with and/or supervision, if any, of applicant (if affiant did not supervise applicant, affiant should provide name and position of supervisor):

(c) Applicant’s duties were satisfactorily performed: □ No □ Yes

if ‘No’, applicant’s performance was not satisfactory in the following respects:
5. I hereby provide any other facts within my knowledge, or of which I have information, which in my opinion have any bearing on applicant's qualifications and moral character or fitness to practice law, or which would be helpful to the Appellate Division or its Committees on Character and Fitness in determining applicant's character and fitness.

______________________________
Signature of Affiant

______________________________
Date

Subscribed and sworn to or affirmed before me this
day of ___________ in the year 20_________

_________________________________
Notary Public
(Affix seal or stamp.)

(If affidavit is sworn to outside the United States, its commonwealths, territories, or possessions, attach certificate of attesting officer's authority.)

(If this affidavit is not in English, it must be accompanied by a duly authenticated English translation.)

Revised 03/2011
APPENDIX F
NEW YORK STATE UNIFIED COURT SYSTEM

PART 1200
RULES OF PROFESSIONAL CONDUCT

State of New York
Office of Court Administrator

Dated: May 1, 2013

These Rules of Professional Conduct were promulgated as Joint Rules of the Appellate Divisions of the Supreme Court, effective April 1, 2009. They supersede the former part 1200 (Disciplinary Rules of the Code of Professional Responsibility).

The New York State Bar Association has issued a Preamble, Scope and Comments to accompany these Rules. They are not enacted with this Part, and where a conflict exists between a Rule and the Preamble, Scope or a Comment, the Rule controls.

This unofficial compilation of the Rules provided for informational purposes only. The official version of Part 1200 is published by the New York State Department of State. An unofficial on-line version is available at www.dos.ny.gov/info/nycrr.html (Title 22 [Judiciary]; Subtitle B Courts; Chapter IV Supreme Court; Subchapter E All Departments; Part 1200 Rules of Professional Conduct; § 1200.0 Rules of Professional Conduct).
PART 1200 - RULES OF PROFESSIONAL CONDUCT

RULE 1.0.

Terminology

(a) "Advertisement" means any public or private communication made by or on behalf of a lawyer or law firm about that lawyer or law firm's services, the primary purpose of which is for the retention of the lawyer or law firm. It does not include communications to existing clients or other lawyers.

(b) "Belief" or "believes" denotes that the person involved actually believes the fact in question to be true. A person's belief may be inferred from circumstances.

(c) "Computer-accessed communication" means any communication made by or on behalf of a lawyer or law firm that is disseminated through the use of a computer or related electronic device, including, but not limited to, web sites, weblogs, search engines, electronic mail, banner advertisements, pop-up and pop-under advertisements, chat rooms, list servers, instant messaging, or other internet presences, and any attachments or links related thereto.

(d) "Confidential information" is defined in Rule 1.6.

(e) "Confirmed in writing" denotes (i) a writing from the person to the lawyer confirming that the person has given consent, (ii) a writing that the lawyer promptly transmits to the person confirming the person's oral consent, or (iii) a statement by the person made on the record of any proceeding before a tribunal. If it is not feasible to obtain or transmit the writing at the time the person gives oral consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

(f) "Differing interests" include every interest that will adversely affect either the judgment or the loyalty of a lawyer to a client, whether it be a conflicting, inconsistent, diverse, or other interest.

(g) "Domestic relations matter" denotes representation of a client in a claim, action or proceeding, or preliminary to the filing of a claim, action or proceeding, in either Supreme Court or Family Court, or in any court of appellate jurisdiction, for divorce, separation, annulment, custody, visitation, maintenance, child support or alimony, or to enforce or modify a judgment or order in connection with any such claim, action or proceeding.

(h) "Firm" or "law firm" includes, but is not limited to, a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other
association authorized to practice law; or lawyers employed in a qualified legal assistance organization, a government law office, or the legal department of a corporation or other organization.

(I) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction or has a purpose to deceive, provided that it does not include conduct that, although characterized as fraudulent by statute or administrative rule, lacks an element of scienter, deceit, intent to mislead, or knowing failure to correct misrepresentations that can be reasonably expected to induce detrimental reliance by another.

(j) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated information adequate for the person to make an informed decision, and after the lawyer has adequately explained to the person the material risks of the proposed course of conduct and reasonably available alternatives.

(k) "Knowingly," "known," "know," or "knows" denotes actual knowledge of the fact in question. A person's knowledge may be inferred from circumstances.

(l) "Matter" includes any litigation, judicial or administrative proceeding, case, claim, application, request for a ruling or other determination, contract, controversy, investigation, charge, accusation, arrest, negotiation, arbitration, mediation or any other representation involving a specific party or parties.

(m) "Partner" denotes a member of a partnership, a shareholder in a law firm organized as a professional legal corporation or a member of an association authorized to practice law.

(n) "Person" includes an individual, a corporation, an association, a trust, a partnership, and any other organization or entity.

(o) "Professional legal corporation" means a corporation, or an association treated as a corporation, authorized by law to practice law for profit.

(p) "Qualified legal assistance organization" means an office or organization of one of the four types listed in Rule 7.2(b)(1)-(4) that meets all of the requirements thereof.

(q) "Reasonable" or "reasonably," when used in relation to conduct by a lawyer, denotes the conduct of a reasonably prudent and competent lawyer. When used in the context of conflict of interest determinations, "reasonable lawyer" denotes a lawyer acting from the perspective of a reasonably prudent and
RULE 5.1.

Responsibilities of Law Firms, Partners, Managers and Supervisory Lawyers

(a) A law firm shall make reasonable efforts to ensure that all lawyers in the firm conform to these Rules.

(b) (1) A lawyer with management responsibility in a law firm shall make reasonable efforts to ensure that other lawyers in the law firm conform to these Rules.

(2) A lawyer with direct supervisory authority over another lawyer shall make reasonable efforts to ensure that the supervised lawyer conforms to these Rules.

(c) A law firm shall ensure that the work of partners and associates is adequately supervised, as appropriate. A lawyer with direct supervisory authority over another lawyer shall adequately supervise the work of the other lawyer, as appropriate. In either case, the degree of supervision required is that which is reasonable under the circumstances, taking into account factors such as the experience of the person whose work is being supervised, the amount of work involved in a particular matter, and the likelihood that ethical problems might arise in the course of working on the matter.

(d) A lawyer shall be responsible for a violation of these Rules by another lawyer if:

(1) the lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or

(2) the lawyer is a partner in a law firm or is a lawyer who individually or together with other lawyers possesses comparable managerial responsibility in a law firm in which the other lawyer practices or is a lawyer who has supervisory authority over the other lawyer; and

(i) knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated but fails to take reasonable remedial action; or
(ii) in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated.

RULE 5.2.

Responsibilities of a Subordinate Lawyer

(a) A lawyer is bound by these Rules notwithstanding that the lawyer acted at the direction of another person.

(b) A subordinate lawyer does not violate these Rules if that lawyer acts in accordance with a supervisory lawyer’s reasonable resolution of an arguable question of professional duty.

RULE 5.3.

Lawyer’s Responsibility for Conduct of Nonlawyers

(a) A law firm shall ensure that the work of nonlawyers who work for the firm is adequately supervised, as appropriate. A lawyer with direct supervisory authority over a nonlawyer shall adequately supervise the work of the nonlawyer, as appropriate. In either case, the degree of supervision required is that which is reasonable under the circumstances, taking into account factors such as the experience of the person whose work is being supervised, the amount of work involved in a particular matter and the likelihood that ethical problems might arise in the course of working on the matter.

(b) A lawyer shall be responsible for conduct of a nonlawyer employed or retained by or associated with the lawyer that would be a violation of these Rules if engaged in by a lawyer, if:

(1) the lawyer orders or directs the specific conduct or, with knowledge of the specific conduct, ratifies it; or

(2) the lawyer is a partner in a law firm or is a lawyer who individually or together with other lawyers possesses comparable managerial responsibility in a law firm in which the nonlawyer is employed or is a
lawyer who has supervisory authority over the nonlawyer; and

(i) knows of such conduct at a time when it could be prevented or its consequences avoided or mitigated but fails to take reasonable remedial action; or

(ii) in the exercise of reasonable management or supervisory authority should have known of the conduct so that reasonable remedial action could have been taken at a time when the consequences of the conduct could have been avoided or mitigated.

**RULE 5.4.**

*Professional Independence of a Lawyer*

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer’s firm or another lawyer associated in the firm may provide for the payment of money, over a reasonable period of time after the lawyer’s death, to the lawyer’s estate or to one or more specified persons;

(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that portion of the total compensation that fairly represents the services rendered by the deceased lawyer; and

(3) a lawyer or law firm may compensate a nonlawyer employee or include a nonlawyer employee in a retirement plan based in whole or in part on a profit-sharing arrangement.

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) Unless authorized by law, a lawyer shall not permit a person who recommends, employs or pays the lawyer to render legal service for another to direct or regulate the lawyer’s professional judgment in rendering such legal
APPENDIX G
## SUNY Buffalo Law
Mid-semester Externship Evaluation of Student

**Fall 2014**

<table>
<thead>
<tr>
<th><strong>Student Extern:</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Externship Placement Office/Agency:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Supervisor Telephone and Email:</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>LAWYERING SKILLS</strong></th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Knowledge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Writing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oral Communication</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interviewing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Client Counseling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>PROFESSIONALISM/ WORK HABITS</strong></th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office and Staff Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Ethics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiative</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judgment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thoroughness and Attention to Detail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dependability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attitude toward Supervision, Criticism</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Productivity and Time Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
EXTERNSHIP CONTENT: Please describe the type of assignments the extern has been given:

__________________________________________________________________________

__________________________________________________________________________

Does the student actively and appropriately seek out work?

__________________________________________________________________________

__________________________________________________________________________

SKILLS: Please list the skills you believe the student needs to and can improve upon in the remaining weeks of the externship:

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

EXTERNSHIP PROGRAM: Are there issues you would like to raise at this time or you would like us to discuss with the student?

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

__________________________________________________________________________

Date: ___________________________ SIGNATURE OF JUDGE OR SUPERVISOR

PRINT OR TYPE NAME

TITLE

Thank you for participating in the Externship Program.

Please return the completed form by October 24, 2014 via email to:

Dawn Skopinski
Administrator, Externship Programs
skopinsk@buffalo.edu
716-645-6261
SUNY Buffalo Law
Final Externship Evaluation of Student
Fall 2014

Student Extern: 

Externship Placement Office/Agency: 

Supervisor Telephone and Email: 

<table>
<thead>
<tr>
<th>LAWYERING SKILLS</th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal Knowledge</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Research</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Writing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oral Communication</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interviewing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Client Counseling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Investigation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Negotiation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Skills</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PROFESSIONALISM/ WORK HABITS</th>
<th>Not Applicable</th>
<th>Poor</th>
<th>Fair</th>
<th>Good</th>
<th>Excellent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Client Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office and Staff Relations</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Professional Ethics</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initiative</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judgment</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Thoroughness and Attention to Detail</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dependability</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attitude toward Supervision, Criticism</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Productivity and Time Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
NEEDED IMPROVEMENT: For each category above in which you rated the extern “Poor” or “Fair,” please provide examples or otherwise describe the improvement needed:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

STRENGTHS: Please describe the extern’s contributions to your chambers or office and the areas in which the extern showed particular strength or skill:

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Has the student improved on the skills noted in your Mid-semester Evaluation?

________________________________________________________________________

________________________________________________________________________

EXTERNSHIP PROGRAM: Do you have any suggestions for improving our externship program in general, or ways we might assist you better in the future?

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

STUDENT FEEDBACK: Although not required, we encourage supervisors to review evaluations with students as part of an exit interview. Please check below if you have done so:

__________ I have reviewed this evaluation with the student.

Date: ___________________________ SIGNATURE OF JUDGE OR SUPERVISOR

PRINT OR TYPE NAME

TITLE

Thank you for participating in the Externship Program.

Please return the completed form by December __, 2014 via email to:

Dawn Skopinski
Administrator, Externship Programs
skopinsky@buffalo.edu
716-645-6261