

PRO BONO SCHOLARS PROGRAM NALP 2015

What is the Pro Bono Scholars Program?

The New York State Pro Bono Scholars Program (PBSP) allows students in their final year of law school to devote their last semester of study to performing pro bono service for the poor through an approved externship program, law school clinic, legal services provider, law firm or corporation.

Overview

The Pro Bono Scholars Program represents a partnership among the Judiciary, the law schools and the profession with the goal of revitalizing legal education to adapt to society's changing needs. This new option in legal education will simultaneously better assist students in preparing for the actual practice of law, impress upon them the value of public service at the start of their careers, and provide much-needed assistance to those of limited means in NY State.

Students who are accepted into the Pro Bono Scholars Program spend 12 weeks working full time in a pro bono placement, while also completing an academic component at their law school.

The first of its kind in the country, the program is designed to reinforce the legal profession's commitment to a culture of service while generating countless hours of pro bono work each year on behalf of our state's most vulnerable citizens.

How did the fellowship start?

Announced by New York State Chief Judge Jonathan Lippman in his 2014 State of the Judiciary address, the program is currently hosting its first class of scholars who recently completed the February 2015 bar exam and started with their placements in March 2015. At this time the program is limited to schools located in New York State, but it may open up to other law schools in the future.

What is the benefit to students?

Students have the opportunity to develop quality mentoring relationships and receive invaluable practical training under the supervision of both a practicing lawyer and a faculty member. As an additional benefit for participating in the program, students are permitted to take the New York bar examination in February of their final year of study, before they graduate. Upon successful completion of the program and any other graduation requirements, students will be awarded their Juris Doctor degree and be admitted to practice as soon as possible after graduation. Therefore, by participating in the program, students can accelerate the pace at which they can enter the legal market as licensed attorneys, while also gaining significant hands-on legal experience.

What is the schools role in running the program?

The schools have an integral role in this program, helping to introduce the program to students, discuss potential placements, coordinate with the placements to assure that the students are performing satisfactorily, learning practice skills, and getting feedback and evaluations. Schools also are responsible for the academic component, with most holding a weekly seminar for their scholars.

Each school selects their scholars through an individual application process that may vary from school to school. Students will apply to the law school for participation in the PBSP and meet the requirements of the PBSP and any additional requirements established by the law school. The law schools have discretion to approve applications that they deem appropriate.

Where are the scholars placed for the duration of the program?

The scholars have been placed primarily in legal service organizations and law school clinics, including some hybrid clinics with legal service providers. Others are in government positions and law firms. A Task Force on Pro Bono Scholars, which assisted in developing and implementing the program, surveyed legal service providers to identify potential opportunities for students and that list was provided to each law school last summer to facilitate placements. The schools worked closely with their students to help them identify suitable opportunities. The students applied directly to these placements, and were selected after interviewing with the legal services providers.

What is the benefit for employers to join?

Employers benefit greatly by receiving assistance from the scholars in the representation of their clients. Because the scholars work full-time for their placements for 12 weeks, the employers can utilize the scholars in the same way they would entry level attorneys or summer interns. Employers also have the opportunity to train and mentor these scholars, who could potentially be good candidates for future employment.

Difficulties in Implementing the Pro Bono Scholars Program:

As a new initiative this year, the Scholars program is still untested in terms of feedback from both the students and the employers. Once the program has gone through one cycle, the law schools will be able to provide additional feedback on the success and challenges of the program, and also be able to provide other states with additional information on how best to implement it across the country.

Law schools outside of New York will also face the challenge of gaining approval from their judiciary and the state's board of bar examiners to encourage the early bar exam offering and bar admission. A similar program could be done without provision for taking the bar exam early. This would eliminate some of the coordination issues with bar examiners and the admission authority – in New York it is the Board of Law Examiners that administers the bar exam and the Appellate Division which handles the admission process. The New York program worked closely with these different parties to develop a process to accommodate the accelerated exam and the early admission that is planned for those who pass the February bar. Without the early bar exam, the program would be like a full time externship and would probably be easier to develop and implement.

Law schools will have to create their own application and selection process, and determine how best to implement the seminar component and find appropriate placements for their scholars.

PRO BONO SCHOLARS PROGRAM

PLACEMENT GUIDE

Overview

The Pro Bono Scholars Program (PBSP) allows law students to devote their last semester of law school study to performing pro bono service through an approved externship program, law school clinic, legal services provider, law firm, governmental entity or corporation. Pro bono service must be full-time, supervised law-related work that assists in the provision of legal services for:

- (1) persons who are financially unable to pay for legal representation;
- (2) not-for-profit legal service providers that predominantly address the legal needs of indigent clients where the work performed is for such clients; or
- (3) a governmental entity, so long as the work performed is on behalf of identifiable individuals who are financially unable to afford representation or whose unmet legal needs prevent their access to justice.

Students participating in the program will spend 12 weeks in a pro bono placement, receive at least 12 academic credits and take the New York State bar examination in February. This will afford students the opportunity to learn vital practice skills while helping those unable to afford counsel. All of the requirements for participation in the program, including the types of placements that are acceptable, are set forth in the Pro Bono Scholars Program Guide (www.nycourts.gov/probonoscholars).

This Pro Bono Scholars Placement Guide is designed to complement the Program Guide and provide students, law school faculty members and providers with information related to placement of students with providers and supervision of students during their participation in the program. Law schools may establish additional requirements if desired.

Pro Bono Placement Opportunities

Placements may be provided through the law school's clinic or externship. Placements also may be provided through civil legal services providers, law firms, corporations, governmental agencies, or the courts.

Placement opportunities include the following:

1. Law School Clinics and Externships - The student and law school will find and agree on the placement site and the law school will oversee the ongoing externship activities. This may involve an existing or newly created law school in-house clinic, hybrid clinic or externship clinic.
2. Legal Service Providers - The Pro Bono Scholars Task Force will reach out to legal service providers and invite them to request placement of one or more pro bono scholars with their program. The list of legal service provider opportunities will be on the Pro Bono Scholars website and will be made available to the law schools.

3. Governmental Positions - The Pro Bono Scholars Task Force will assist in identifying potential placements in State and local government offices and will make this information available to the law schools. Students also may work with the law school faculty member to identify an appropriate placement that satisfies the program requirements.
4. Other Placement Opportunities - The Pro Bono Scholars Task Force also will assist in identifying other possible placement opportunities in law firms, corporations and other organizations and will work with the law school faculty member and students to assist in finding appropriate placements.

Law Student Requirements

Students participating in the program must be willing to devote their final semester of law school to pro bono work in an approved program and to take the bar exam in February. Specific student requirements follow.

1. Student will have completed 5 semesters of law school prior to the start of the program, be in good academic standing, need no more than 12-15 academic credits for the final semester, and be in compliance with ABA and law school graduation requirements.
2. Student will apply to the law school for participation in the PBSP and meet the requirements of the PBSP and any additional requirements established by the law school. The law school has discretion to approve applications that it deems appropriate. The law school will forward approved applications (with confirmation that, upon completion of the program, the law student will have satisfied the requirements for graduation) to the Executive Director of the PBSP for final review and acceptance into the program.
3. Student will work full-time for 12 weeks during the Spring semester, after taking the February bar exam, in an approved pro bono program and complete the academic requirements of the program for a total of 45 hours per week.
4. Student will spend most of his or her time providing pro bono legal services directly to indigent clients, e.g., work on legal issues and assignments, client matters, legal research and development of practical legal skills. The remainder of the student's time will be spent meeting other academic requirements and incidental administrative matters. No time may be spent on fee generating matters.
5. Student will be supervised by a placement supervisor and law school faculty member and will complete all of the training, reporting and academic requirements agreed upon at the commencement of the placement.
6. Student will study for the bar exam after completing the fall semester.
7. Student will take the bar exam in February (and register during the preceding November) and, after the exam, begin assembling documentation for the bar admission application.
8. Student will complete a Form Affidavit of Compliance with the Pro Bono Scholars Program Requirements certifying the number of hours completed and describing the nature of the work done.

9. Failure to successfully complete the PBSP may result in invalidation of the student's bar exam results.

Placement Requirements

Students participating in the program will be supervised by a law school faculty member and a placement supervisor. The law school faculty member and the placement supervisor will meet and decide on their appropriate role in overseeing each student since the roles will vary with the type of placement involved. Specific responsibilities of the placement supervisor follow.

1. Placement supervisor will provide full-time law-related work for those unable to afford counsel for 12 weeks during the timetable set forth in the program.
2. Placement supervisor must be licensed in the jurisdiction where the work is occurring and agree to supervise the student on all substantive matters handled by the student.
3. Placement supervisor will coordinate with the law school faculty member (for in-house programs, this person also may be the placement supervisor) and the student to review and agree to the terms of the PBSP.
4. Placement supervisor and law school faculty member will identify the goals and specific activities to be performed. They will include provisions covering the following topics (and who will be responsible for them): (1) formal orientation, (2) preliminary and ongoing training, including training on confidentiality requirements, (3) regular meeting requirements for the student with each supervisor, (4) regular reports by the student of law-related work performed (without disclosing specific client information), (5) plans for coordinating the roles of the law school faculty member and the placement supervisor, and (6) mid-term and final written evaluations to be performed, with discussion of the evaluations.
5. Placement supervisor will help the student learn and develop vital practice skills and provide meaningful opportunities for the student to reflect on his or her work and the ethical obligations implicated.
6. Placement supervisor will provide candid feedback on all work performed by the student and ensure that the student sees and has an opportunity to discuss all changes made in the student's work.
7. Placement supervisor will fulfill their role as a "mentor" and engage the student regularly in discussions that go beyond simply producing legal work (e.g., discussions about professional development, tracks for securing legal positions, balancing personal and professional lives, ethics, effective work habits, and other relevant topics).
8. Placement supervisor will evaluate the student and meet with the student to discuss the evaluation.
9. Placement supervisor will complete a Form Affidavit of Compliance with the Pro Bono Scholars Program Requirements for the student at their program at the conclusion of the program certifying the amount and nature of the pro bono work done by the student.

Law School Requirements

Law schools have an integral role in providing the students with information about the PBSP and working with interested students to complete their applications and fulfill the programmatic requirements. Specific law school requirements follow.

1. Law school faculty member will provide an informational session to students in January or February each year with details about the school's requirements for the program and the application process.
2. Law school faculty member will solicit and require interested students to complete applications by May so that students may be matched with a provider as early as possible.
3. Law school faculty member will review each student's application and determine whether it satisfies the requirements for the PBSP and any additional requirements established by the law school, as well as the academic requirements for application and bar admission upon completing the program (section 520.3 - Rule of the New York Court of Appeals). The law school has discretion to approve applications that it deems appropriate for participation in the PBSP and will forward applications (with confirmation that, upon completion of the program, the student will have satisfied the requirements for graduation) to the Executive Director of the PBSP for final review and acceptance into the program.
4. Law school faculty member will forward the applications of approved students to the Executive Director of the PBSP and certify that the students meet the requirements for participation in the PBSP and that, upon completion of the program, they will meet the credit hour and academic requirements for graduation and bar admission.
5. Law school faculty member will advise the student of the placements that will be acceptable to the law school and work with students to identify an appropriate placement opportunity. The court system will send a list of potential placements to the schools. Students also may independently identify a placement. These must be approved by the law school and the PBSP.
6. Law school faculty member will coordinate with the placement supervisor and the student to agree to the terms of PBSP and identify the goals and specific activities to be performed. They will set forth provisions covering the following topics (and who will be responsible for each): (1) formal orientation, (2) preliminary and ongoing training, including training on confidentiality, (3) regular meeting requirements, (4) regular reports by the student of law-related work performed (without disclosure of specific client information), (5) plans for coordinating the roles of the law school faculty member and the placement supervisor, and (6) mid-term and final written evaluations to be performed, with discussion of the evaluations.
7. Law school faculty member will determine the nature of the academic components of the program, including where and how these will be structured, and the appropriate credits for the academic components. This might include regular seminars, weekly entries in student journals on specified topics, weekly electronic discussion boards in which students communicate with each other, and similar learning experiences. Eight hours spent working in the pro bono placement, together with the academic component, must

total at least 45 hours per week.

8. Law school faculty will serve as a “mentor” and engage the student regularly in discussions that go beyond simply producing legal work (e.g., discussions about professional development, tracks for securing legal positions, balancing personal and professional lives, ethics, effective work habits, and other relevant topics).
9. Law school faculty member will evaluate the placement and, if possible, visit the placement site.
10. Law school faculty member will meet with the student to discuss the placement supervisor’s evaluation of the student.
11. Law school faculty member will complete a Form Affidavit of Compliance with the Pro Bono Scholars Program Requirements for each student who successfully completes the program certifying the amount and nature of the academic work done by the student.
12. Law school faculty member will provide the State Board of Law Examiners, on or before February 1, with a handwriting sample for each student in the PBSP and an interim certification that it appears that the student will meet the requirements for admission to the bar upon completion of the PBSP (section 520.3 of the Rules for Admission of Attorneys and Counselors-at-Law). Law school faculty member will provide a final certification to the State Board of Law Examiners after the student completes the PBSP.

Court System Role

The Pro Bono Scholars Task Force and the Executive Director of the PBSP will work with law schools throughout the year to disseminate information about the PBSP and will maintain a website with updated information.

1. The Pro Bono Scholars Task Force will do an outreach to providers of pro bono service to identify potential placement opportunities for students and share these with the law schools.
2. The Executive Director of the PBSP will approve completed applications by students and work with the law schools in identifying appropriate placements.
3. The Executive Director of the PBSP will provide the State Board of Law Examiners with the names of the students participating in the PBSP in October.

Timeline

The general timeline is set forth below. Law schools may set earlier deadlines if desired.

1. 2014-15 Timetable

May-September 2014: Students will submit applications (law schools will determine what information is required), resume, transcript and writing sample to the school by the deadline set by the school and, once approved, work with the law school faculty member to identify an appropriate placement.

October 15, 2014: Final deadline for law student and provider to commit to participate in the PBSP.

November 1-30, 2014: Selected students will submit their application to take the February bar exam.

February 1, 2015: Law school will send an interim certification to the State Board of Law Examiners advising that it appears that the student will meet the requirements for admission to the bar upon completion of the PBSP.

February 24-25, 2015: Selected students will take the bar exam.

March 2-May 22, 2015: Students will work full-time in their pro bono placements providing pro bono legal assistance in the field placement and complete the required academic components, both of which must total a minimum of 500 hours.

May 2015: Students who have successfully completed the PBSP will receive the results of the bar exam. Students must submit all documentation to the State Board of Law Examiners in a timely fashion. Students who have met all of the requirements for graduation and admission to the bar should expect to be admitted to the New York Bar by the end of June 2015.

2. 2015-2016 Timetable

January-February 2015: Law schools will hold an information session about PBSP.

May 2015: Interested students will submit applications (law schools will determine what information is required), resume, transcript, and writing sample to law school by the deadline set by the school and, once approved, work with the law school faculty member to identify an appropriate placement.

June-September 2015: Students will work with the law school faculty member to identify an appropriate placement.

September 15, 2015: Law school will approve placement and notify PBSP.

October 1, 2015: Final deadline for law student and provider to commit to participate in the PBSP.

November 1-30, 2015: Selected students will submit their application to take the February bar exam.

February 1, 2016: Law school will send an interim certification to the State Board of Law Examiners advising that it appears that the student will meet the requirements for admission to the bar upon completion of the PBSP.

February 23-24, 2016: Selected students will take the bar exam.

February 29-May 26, 2016: Students will work full-time in their pro bono placements

providing pro bono legal assistance in the field placement and complete the required academic components, both of which must total a minimum of 500 hours.

May 2016: Students who have successfully completed the PBSP will receive the results of the bar exam. Students must submit all documentation to the State Board of Law Examiners in a timely fashion. Students who have met all of the requirements for graduation and admission to the bar should expect to be admitted to the New York Bar by the end of June 2016.

7/31/14

Pro Bono Scholars Program

Information for Out-of-State Law Schools

In his State of the Judiciary Address in February 2014, New York Chief Judge Jonathan Lippman introduced a new innovative program for law students interested in pro bono service - the option to participate in a Pro Bono Scholars Program. This legal education initiative enables law students to spend their final semester of law school performing pro bono service for the poor. Students participating in the program spend 12 weeks in a pro bono placement, receive at least 12 academic credits and take the New York State bar examination in February rather than July. This affords students the opportunity to learn vital practice skills and accelerate their admission to the bar while helping those who are unable to afford legal representation.

The Pro Bono Scholars Program is open to students from out-of-state law schools approved by the American Bar Association. Students would apply in the Spring of 2015 for pro bono placements beginning in February 2016. The pro bono work could be performed in New York or in another State or country if approved by the student's law school.

Out-of-state law schools that are interested in having their students participate in the program should contact the Program's Executive Director, Patricia K. Bucklin at probonoscholars@nycourts.gov or by phone at (518) 453-8650 for more information about the program.

Law schools have an integral role in approving students for the program, designing and providing the academic component, approving the placement, and assisting with evaluations. Students also must be approved by the court system for participation in the program. Law schools are encouraged to hold an informational session about the program early in 2015.

Current second-year law students who are interested in the program should consult with their law school advisor in the fall of 2014 or early in 2015 for information about the program. It is important for interested students to take all of the courses necessary for graduation no later than the fall semester of their third year of law school.

Further information about the Pro Bono Scholars Program is set forth below. In addition, there is more detailed information in the Pro Bono Scholars Program Guide and Placement Guide, both of which are on the website at www.nycourts.gov/probonoscholars.

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What Type of Work Will Qualify?

Placements may be provided through a law school's existing or newly-created in-house clinic, hybrid clinic or externship clinic. Placements also may be provided through legal services providers, law firms, corporations, governmental agencies, and the courts. Pro bono service must be full-time, supervised law-related work that assists in the provision of legal services for identifiable clients. This includes pro bono work for:

- persons who are financially unable to pay for legal representation;

- not-for-profit legal service providers that predominantly address the legal needs of indigent clients where the work performed is for such clients; or
- a governmental entity, if the work performed is on behalf of identifiable individuals who are financially unable to afford representation or whose unmet legal needs prevent their access to justice.

Who is Participating in the PBSP?

During this inaugural year of the program, over 100 students from all 15 New York law schools are participating in the Pro Bono Scholars Program. Next year, we hope to include out-of-state law school students for placements in 2016. Students are permitted to perform their pro bono work in another State or country if approved to do so by their law school.

What are the Requirements for Participation in the Program?

Students participating in the Program must be willing to devote their final semester of law school to pro bono work in an approved program and to take the bar exam in February. Specific student requirements follow.

- Student will complete 5 semesters of law school prior to the start of the program, be in good academic standing, need no more than 12-15 academic credits for the final semester, and be in compliance with ABA and law school graduation requirements.
- Student will apply to the law school for participation in the PBSP and meet the requirements of the PBSP and any additional requirements established by the law school. The law school has discretion to approve applications that it deems appropriate. The law school will forward approved applications to the Executive Director of the PBSP for final review and acceptance into the program.
- Student will work full-time for 12 weeks during the Spring semester in an approved pro bono program and complete the academic requirements of the program for a total of 45 hours per week.
- Student will spend most of his or her time providing pro bono legal services directly to indigent clients, e.g., work on legal issues and assignments, client matters, legal research and development of practical legal skills. The remainder of the student's time will be spent meeting other academic requirements and incidental administrative matters. No time may be spent on fee generating matters.
- Student will be supervised by a placement supervisor and law school faculty member and will complete all of the training, reporting and academic requirements agreed upon at the commencement of the placement.

What are Some Examples of Qualifying Placements?

Examples of the type of placements that are acceptable under the PBSP follow.

Externships or field placements with a-

- not-for-profit provider of legal services for the poor and low-income individuals;
- law firm, if the pro bono work is full-time and will involve pro bono matters being handled by that firm and the pro bono client(s) are not paying legal fees;
- legal aid organization or other similar civil or criminal legal services organization that serves low-income clients;
- public defender, conflict defender, or other similar criminal defense service organization that serves indigent criminal defendants;
- corporation providing pro bono legal assistance through its in-house legal department to individuals who are unable to afford legal representation and are not paying legal fees;
- U.S. Attorney, District Attorney or State Attorney General, if providing assistance to litigants or victims who otherwise would not be able to afford legal representation;
- court, if assistance is for litigants who otherwise would not be able to afford legal representation.

Law-related work for a not-for-profit organization that-

- provides free civil legal services for low-income individuals;
- provides criminal legal services for the indigent; or
- serves the poor or disadvantaged or otherwise promotes access to justice.

Law school-sponsored clinics that-

- provide legal assistance to those who cannot afford representation.

What is the Timeline for the Program?

January-February 2015: Law schools will hold an information session about the PBSP.

May 2015: Interested students will submit applications (law schools will determine what information is required), resume, transcript and writing sample to the law school by the deadline set by the school and, once approved, work with the law school faculty member to identify an appropriate placement.

June-September 2015: Students will work with the law school faculty member to identify an appropriate placement.

September 15, 2015: Law school will approve placement and send the application and materials to the PBSP for final acceptance into the Program.

October 1, 2015: Final deadline for law student and provider to commit to participate in the PBSP.

November 1-30, 2015: Selected students will submit their application to take the February bar exam.

February 23-24, 2016: Students will take the bar exam.

February 29-May 26, 2016: Students will work full-time in their pro bono placements.