

2018-2019

# PRO BONO PROGRAM GUIDE

SYRACUSE UNIVERSITY COLLEGE OF LAW



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## 1. INTRODUCTION TO PRO BONO

The origin of the term “pro bono” comes from the Latin phrase *pro bono publico*, which means “for the public good.” In the legal profession, pro bono services are performed by an attorney for free or for a substantially reduced fee to assist people with limited means.

As leaders, attorneys have an ethical responsibility to their communities, and often, a professional obligation, to perform pro bono work. Syracuse University College of Law’s pro bono program is designed to provide professional engagement opportunities to students and to serve the community. To that end, the College of Law uses Rule 6.1 of the American Bar Association’s Model Rules of Professional Conduct as a framework for the Program.

## 2. ABA MODEL RULE 6.1

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of *pro bono publico* legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
  - (1) persons of limited means or
  - (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
  
- (b) provide any additional services through:
  - (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization’s economic resources or would be otherwise inappropriate;
  - (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
  - (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

### 3. A NEED AND AN OPPORTUNITY

Engaging in pro bono service assists by meeting the legal needs of millions of people who need assistance and cannot afford it. Although there are many legal services that provide representation, the need is far greater than the current services that are available.

As a law student, pro bono work will provide you with an opportunity to enrich your education and develop your legal skills. Students participating in pro bono work garner experience problem solving, researching, writing, and client interviewing. Pro bono work also exposes you to different areas of law and gives you an opportunity to network with practicing attorneys who could offer you mentorship and references in the future. Additionally, pro bono work helps establish an important habit to carry throughout your career.

### 4. NEW YORK STATE BAR REQUIREMENT

New York State requires completion of pro bono work as part of the bar application process. Under Rule 520.16 of the Rules of the Court of Appeals, applicants who successfully pass the bar examination in New York **must** demonstrate that they have performed 50 hours of qualifying pro bono service before applying for admission to practice. This is achieved through the execution of an affidavit by you and your supervisor to be submitted with your character and fitness application. Requirements, including recording your hours, are different than the College of Law's optional program.

To satisfy Rule 520.16, pro bono tasks must be law-related, performed under the supervision of an attorney, and certified by the attorney as part of your application. The full text of Rule 520.16 is available at <http://www.nycourts.gov/ctapps/520rules10.htm#B16>. Work for credit is included in this rule.

The New York State Requirement is **mandatory** for bar admission. You and your supervisor will need to complete the Form Affidavit of Compliance to be admitted. For additional guidance on this requirement and for a current version of the Form Affidavit of Compliance, please visit <https://www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml>

New York State is currently the only state with a mandatory pre-admission pro bono requirement.

For more information visit:

[https://www.americanbar.org/groups/probono\\_public\\_service/policy/bar\\_pre\\_admission\\_pro\\_bono.html](https://www.americanbar.org/groups/probono_public_service/policy/bar_pre_admission_pro_bono.html)

**Please note that Syracuse University College of Law will not verify your hours for purposes of admission to the New York State bar. The attorney supervisor at the placement must verify your hours.**

## **5. SYRACUSE UNIVERSITY COLLEGE OF LAW'S PRO BONO PROGRAM**

Through the voluntary pro bono program, the College of Law recognizes students who perform at least 50 hours of pro bono work before graduation. 80% of the hours completed must be law-related pro bono work, providing legal services at the direction of a supervising attorney, and up to 20% of the hours can be in non-legal traditional community service. Stated another way, for every 40 hours of qualifying pro bono work, you may count 10 hours of community service.

- Students who complete the minimum 50 hours will receive a certificate from the Dean and special recognition at Commencement.
- Students who complete  $\geq 75$  hours will receive a certificate from the Dean, a Blue Pro Bono Honor Cord, and special recognition at Commencement.
- Students who complete  $\geq 100$  hours will receive a certificate from the Dean, an Orange Pro Bono Honor Cord, and special recognition at graduation.
- The top three graduating students providing the most pro bono and community service hours will be individually recognized.

The Special Recognition Awards will be presented in connection with graduation and convocation ceremonies and will be noted in the graduation materials.

**While Syracuse University College of Law DOES NOT require any pro bono hours for graduation, students are highly encouraged to participate.**

## **6. COUNTING HOURS AS PRO BONO WORK UNDER THE COLLEGE OF LAW PROGRAM**

To count as pro bono work under the College of Law's program, a student's work must be:

- Law-related and necessitate the use of legal skills (including client representation, legislative drafting, witness interviews, case investigation, legal policy and advocacy, or community legal education);
- Supervised by an attorney or law school faculty;
- On behalf of a nonprofit organization, a legal services organization, a government agency, or a law firm providing pro bono legal services to people with limited means; and
- Not for academic credit or financial compensation.

## **7. HOURS THAT DO NOT COUNT AS PRO BONO UNDER THE COLLEGE OF LAW PROGRAM**

- Unpaid or paid internships at a law firm, judicial office, or government office that does not primarily focus on serving or delivering legal services to those of limited means.

- Community Service activities, such as volunteering at homeless shelters, soup kitchens, blood drives, animal shelters, tutoring, or other activities without a legal focus.
- Work on political campaigns.

**Please note:** The College of Law’s pro bono program is for the recognition of actual hours performed. Therefore, only hours spent on actual service (pro bono or community) are to be submitted. No hours for training, traveling, or preparing for a program or an event count.

If you are unsure if an activity will count as pro bono under the rules, please contact the Pro Bono Fellow (ProBono@law.syr.edu) or Faculty Director Kim Wolf Price (kwprice@law.syr.edu) for clarification.

## **8. DIFFERENCES BETWEEN THE COLLEGE OF LAW PROGRAM AND THE NYS BAR REQUIREMENT**

Unlike the College of Law’s Program, under NYS Rule 520.16, receipt of academic credit or financial compensation does not disqualify the work as pro bono. Therefore, hours spent on clinics and externships and paid internships may fulfill Rule 520.16. These do not count as pro bono work under the College of Law’s program.

## **9. WHERE TO FIND PRO BONO OPPORTUNITIES**

The College of Law and the Pro Bono Advisory Board (“the Board”) work hard to find as many opportunities as possible. These include legal pro bono and community service activities. The Board will communicate these opportunities to the student body through regular emails. There is a General Interest Meeting every fall where every student can hear more about different opportunities at the SUCOL and in the greater community.

The College of Law, Pro Bono Advisory Board, Student Bar Association, and other student organizations provide many community service opportunities as well. These may include volunteering at an animal shelter, blood drives, food drives, GED Tutoring at Auburn Correctional Facility, and many more.

Student organizations host various community service and pro bono opportunities as well. Be sure to connect with them directly to let them know of your interest.

Students are encouraged to create new opportunities for pro bono and community service. If you are interested in a specific project and need assistance, please contact the Board at [ProBono@law.syr.edu](mailto:ProBono@law.syr.edu).

For more information on pro bono or community service opportunities, please contact [ProBono@law.syr.edu](mailto:ProBono@law.syr.edu) and check out the Student Interest Form on the pro bono website: <https://www.syracuselawprobono.com/>

## 10. SAMPLES OF PAST PRO BONO OPPORTUNITIES

### **Eviction Defense in Landlord Tenant Court**

VLP, the Syracuse Volunteer Lawyers Project, runs an attorney of the day program every morning in Syracuse City Landlord-Tenant Court. This is an exciting opportunity to help volunteer attorneys represent tenants facing eviction and to observe the landlord-tenant court proceedings and negotiation processes. Volunteers conduct intake and present the case to the volunteer attorney. This ground-work is vital because it allows the attorney to quickly grasp the essence of the case and focus on the defenses and negotiations to effectively represent the client. 2L and 3L students may have the option of representing clients under a student practice order if they volunteer on a weekly basis for a year. This program required the student to commit a minimum of two hours per week for a full semester. Please see the pro bono website (<https://www.syracuselawprobono.com/>) for the most up-to-date information.

### **Talk to a Lawyer Program**

These are free drop-in clinics that give people the opportunity to seek general legal advice, information, and referrals from experienced attorneys. Law student volunteers conduct intake and shadow the attorney during consultations. This is an excellent 1L opportunity as students will be exposed to the practical application of the law in a wide variety of areas. Clinics are run in the evening for two hours at a time and students generally volunteer two times per semester. The opportunity is available to as many law students as are interested. Please see the pro bono website (<https://www.syracuselawprobono.com/>) for the most up-to-date information.

### **Family Law Clinic**

Volunteer attorneys provide low-income clients with free legal assistance and advice with completing petitions for child custody, visitation, and support in Family Court. Volunteer law students conduct intake and help prepare clients for their meetings with attorneys. The clinic operates every Wednesday from 9am until 3pm and Friday from 9am until 12pm at the Onondaga County Family Court. Volunteers assist for two to three hours during the clinic, and generally volunteer several times throughout the semester. Great way to get exposure to family law. This opportunity is available to law students of any level, but we seek students that are willing and able to volunteer regularly (at least twice a month). VLP provides additional in-depth family law training to the students. Please see the pro bono website (<https://www.syracuselawprobono.com/>) for the most up-to-date information.

Students interested in volunteering with VLP should contact the Pro Bono Fellow at [probono@law.syr.edu](mailto:probono@law.syr.edu). Participating in training for these programs is mandatory. Therefore, please look for the announcements regarding training as opportunities become available. For more information on the programs, you may also look at the VLP website ([www.onvlp.org](http://www.onvlp.org)).

\* Find this Handbook, and all current pro bono opportunities by visiting the pro bono website (<https://www.syracuselawprobono.com/>).

## **11. ETHICAL AND PROFESSIONAL RESPONSIBILITY**

Students who participate in pro bono service projects (either sponsored by the College of Law or individually sought) should treat the placement and/ or assignment with the same level of professionalism that is expected at an internship or any other job placement. A clear understanding of all expectations and duties should be discussed prior to accepting any pro bono assignment. Law students are subject to the same ethical standards and professional duties as attorneys. These rules should be discussed with your supervisor. Students should not hesitate to seek guidance and clarification.

### **Unauthorized Practice of Law**

Law students shall NOT engage in the unauthorized practice of law. Law students should not provide legal advice, assistance, or representation to anyone unless it is under the supervision of a licensed attorney. Any law student providing any such service or advice directly to a non-lawyer will likely violate New York State's statutory prohibition on the unauthorized practice of law. All states have prohibitions against unlicensed practice and this is an area routinely considered by state character committees when evaluating applicants for admission to the bar.

### **Conflicts of Interest**

Law students should be aware if there are any conflicts of interest in the pro bono case or project that they are assigned. Students should be screened in advanced by the supervisor or host of the project. However, if a conflict should arise or if a student is uncertain, the student should immediately raise this concern with their supervisor. Conflicts can occur as a result of the student participating in legal clinics, externships, internships, or other pro bono projects with private firms, government employers, and clerkships.

### **Client Confidentiality**

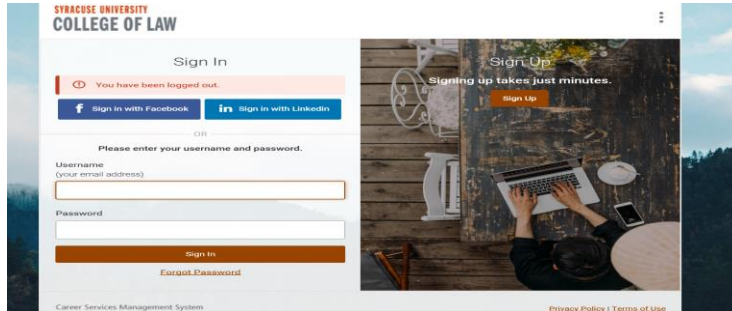
Law students must refrain from discussing or disclosing any information about clients. There are confidentiality rules that protect the interest of clients and this protection expands to all aspects of their representation including any documents, interviews, research, communications (oral or written) and other relevant parties. While there are exceptions to client confidentiality rules, the law student should not discuss or disclose any information without express permission from the supervising attorney. When in doubt, law students should always seek clarification or guidance from the supervising attorney.



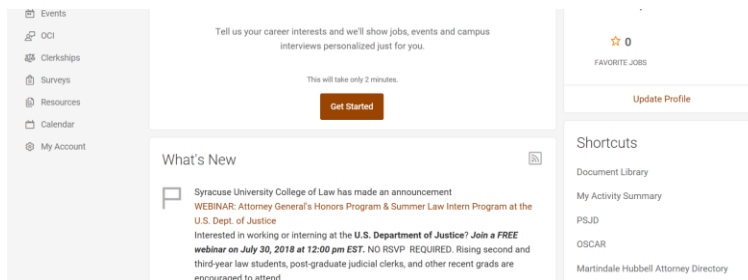
## 12. HOW TO SUBMIT PRO BONO/COMMUNITY SERVICE HOURS

(Only for the College of Law program. See page 4 for New York State bar Form.)

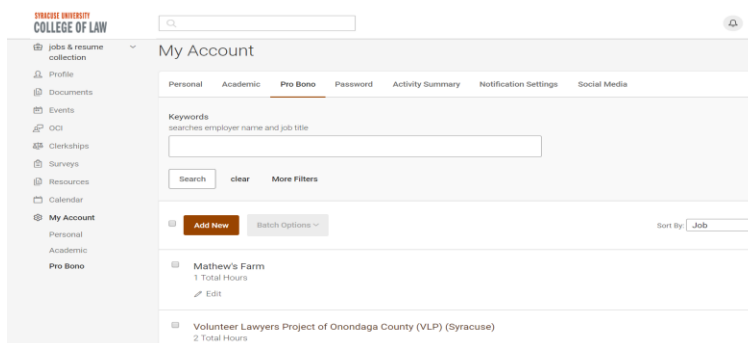
In order to log your pro bono hours for honors at graduation, go to the College of Law’s Symplicity system ([https://law-syr-csm.symplicity.com/students/?signin\\_tab=0](https://law-syr-csm.symplicity.com/students/?signin_tab=0)). Log in with your SU email address and password (doesn’t change when you change your NetID password).



Select “My Account” and then “Pro Bono” from the menu on the left-hand side of the screen.



Select “Add New” (bright red button).



Then type the name of the organization through which you performed (i.e. “Onondaga County Volunteer Lawyers Project”), your hours in the box labeled “[enter name],” and select “go.” If your organization is already in the system, the page will reload and the box above “[enter name]” will change from “[choose filter]” to “[select]” and will become a drop-down menu. You can then select the organization from that menu.

If your agency does not come up in the drop-down menu, just enter the name below under “Agency/Placement Name (if not listed above)”.

You need to select “Add Hours” to open the total number of hours you performed at that organization during the semester. From here, just enter all the information in the fields provided, and select “submit”.

**Attention 1Ls** - You won’t be able to log on to Symplicity until you gain access via Career Services in October. Keep a record of hours performed, log them once you have access.

**DEADLINE TO SUBMIT:** All service hours must be reported through Symplicity by the end of the semester in which they were performed:

Summer – hours must be reported by the end of September.

Fall – hours must be reported by the second Friday in December.

Spring – hours must be reported by the second Friday in May.

Note: 3Ls must report their hours by the third Friday in March to receive recognition at Commencement.