



PRESS RELEASE

**New York State
Unified Court System**

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**Hon. A. Gail Prudenti
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www.nycourts.gov/press

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New Rule Permits Thousands of Out-of-State Lawyers Employed as In-House Counsel in NY to Provide Pro Bono Legal Services on Behalf of NY's Needy
New Practice Rules to Help Bridge Justice Gap in Commercial Capital of the World

NEW YORK – Chief Judge Jonathan Lippman today announced a rule change authorizing out-of-state attorneys employed as in-house counsel in New York to provide pro bono legal services on behalf of New York's underserved communities. The latest in a series of innovative measures undertaken by the Unified Court System to help bridge the state's civil legal services gap, the new rule will enable New York's talented cadre of in-house counsel admitted to practice in other states to utilize their impressive array of legal skills and experience—and strong commitment to pro bono service—to benefit vulnerable New Yorkers in matters involving life's essentials. The new rule places New York among a handful of states that now have broad practice rules expanding pro bono opportunities for out-of-state in-house counsel by allowing them to perform such service without supervision by attorneys licensed in New York. The new rule is particularly significant given the large number of in-house counsel working in New York, the commercial center of the world.

In-house counsel admitted to practice in New York face no barriers to engaging in pro bono service, but the many out-of-state in-house counsel employed in New York had been

restricted from performing pro bono legal work here. Under the new in-house pro bono rule (§522.8), in-house counsel admitted to practice and in good standing in another state or territory of the United States or the District of Columbia will be allowed to perform voluntary legal services on behalf of poor and underserved clients—including being permitted to appear before courts and other tribunals upon the filing of a notice of pro bono representation—provided such attorneys are properly registered with the New York courts. Registered in-house attorneys will be subject to the rules of the jurisdiction in which they are admitted as well as to the New York Rules of Professional Conduct and attorney disciplinary oversight applicable to all lawyers licensed in the state.

The new in-house pro bono rule was formulated upon the recommendations of the Advisory Committee on Pro Bono Service by In-House Counsel, appointed by Chief Judge Lippman in July and chaired by New York Court of Appeals Senior Associate Judge Victoria A. Graffeo. The committee members reviewed proposals for reform issued by the New York State Bar Association and the Conference of Chief Judges, surveyed practice rules adopted by other states allowing out-of-state in-house counsel to engage in pro bono service and consulted with the Pro Bono Institute, which supports the pro bono efforts of major law firms, in-house corporate legal departments and public interest organizations in the U.S. and around the world. The Advisory Committee was also charged with broadening efforts to increase the registration of in-house counsel, a necessary first step for engaging in pro bono legal work.

“No issue is more fundamental to the well-being of our society than ensuring access to justice for everyone, regardless of means. The in-house pro bono rule will go a long way to advance our efforts to narrow the state’s enormous access to justice gap. It effectively and appropriately leverages the legal skills of thousands of highly experienced out-of-state attorneys employed as in-house counsel in New York to benefit the state’s poor and underserved. I commend Judge Graffeo and the other distinguished members of the Advisory Committee for their thoughtful proposals and invaluable contributions to this vital endeavor, including their efforts to increase the registration of in-house counsel. I look forward to working with the corporate counsel community to expand and strengthen the New York bar’s proud tradition of pro bono service,” said Judge Lippman.

“I am grateful to Judge Lippman for the privilege of leading this distinguished committee in its efforts to facilitate pro bono legal assistance by registered in-house counsel. Every lawyer

has a professional obligation to promote access to justice. Now, with the implementation of this new rule, registered in-house counsel—most of whom have over five years of legal experience and possess expertise in a variety of practice areas—will have the same opportunity as their New York-licensed colleagues to represent pro bono clients and provide high-quality representation,” said Judge Graffeo.

The new rule was released for public comment and all the submissions received from interested parties expressed support for the proposal. It takes effect on December 4, 2013. A copy of the new rule is attached. Additional information about registered in-house counsel and the new pro bono rule is available at:

www.nycourts.gov/ATTORNEYS/in-house-counsel/probono-by-IHC.shtml

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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.....15th.....day
of.....November, 2013*

Present, HON. JONATHAN LIPPMAN, Chief Judge, presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals
for the Registration of In-House Counsel

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

ORDERED that Part 522 of the Rules of the Court of Appeals for the Registration of In-House Counsel (22 NYCRR Part 522) is amended, effective December 4, 2013, or as soon thereafter as section 52 of the Judiciary Law is complied with, to add section 522.8. Section 522.8 provides as follows:

§ 522.8 Pro bono legal services

Notwithstanding the restrictions set forth in section 522.4 of this Part, an attorney registered as in-house counsel under this Part may provide pro bono legal services in this State in accordance with New York Rules of Professional Conduct (22 NYCRR 1200.0) rule 6.1(b) and other comparable definitions of pro bono legal services in New York. An attorney providing pro bono legal services under this section:

- (a) shall be admitted to practice and in good standing in another state or territory of the United States or in the District of Columbia and possess the good moral character and

general fitness requisite for a member of the bar of this State, as evidenced by the attorney's registration pursuant to section 522.1(b) of this Part;

(b) pursuant to section 522.2(c)(2) of this Part, agrees to be subject to the disciplinary authority of this State and to comply with the laws and rules that govern attorneys admitted to the practice of law in this State, including the New York Rules of Professional Conduct (22 NYCRR Part 1200.0) and the rules governing the conduct of attorneys in the judicial department where the attorney's registration is issued;

(c) may appear, either in person or by signing pleadings, in a matter pending before a tribunal, as that term is defined in New York Rules of Professional Conduct (22 NYCRR 1200.0) rule 1.0(w), at the discretion of the tribunal, without being admitted pro hac vice in the matter. Prior to any appearance before a tribunal, a registered in-house counsel must provide notice to the tribunal that the attorney is not admitted to practice in New York but is registered as in-house counsel pursuant to this Part. Such notice shall be in a form approved by the Appellate Division; and

(d) shall not hold oneself out as an attorney admitted to practice in this State, in compliance with section 522.4(d) of this Part.