State of New York
Court of Appeals

Andrew W. Klein
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December 4, 2013

NOTICE TO THE BAR

Provision of Pro Bono Legal Services by Registered In-House Counsel

In a continuing effort to increase pro bono legal services in New York, the Court of Appeals has amended the Rules for the Registration of In-House Counsel by adding section 522.8. The new section provides that attorneys registered as in-house counsel pursuant to Part 522 may provide legal services to pro bono clients in New York. Registered in-house counsel who provide pro bono legal services may appear in a matter pending before a court or tribunal in New York without being admitted pro hac vice. Pursuant to section 522.2(c)(2), in-house counsel agree to be subject to the disciplinary authority of the State and to comply with the applicable rules governing the conduct of attorneys in New York.

A copy of the order amending the Rules is attached.

Andrew W. Klein
Chief Clerk and Legal Counsel to the Court

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.