

11. **Pro Bono Legal Services** – Credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to (i) assignment by a court or (ii) a pro bono CLE program sponsored by an Approved Pro Bono CLE Provider. CLE credit shall not be awarded for pro bono legal services performed outside of New York State.

a. **Definitions**

- i. **Uncompensated legal services** are legal services for which the provider of the legal services is not compensated by the recipient of those services.
- ii. A **pro bono CLE program** is a program, activity or case which is sponsored by, and to which attorneys are assigned by an Approved Pro Bono CLE Provider.

b. **Court Assignment** – Pro Bono CLE credit may be earned for the provision of uncompensated legal services to clients unable to afford counsel, pursuant to assignment by a court.

c. **Approved Pro Bono CLE Providers**

- i. **Eligibility** – Eligibility for designation by the CLE Board as an Approved Pro Bono CLE Provider is limited to the following organizations:
 - (1) Legal services organizations, or subsidiaries or subdivisions thereof, which have as their primary purpose the furnishing of legal services to indigent persons and which have filed a statement with the Appellate Division in the Judicial Department in which their principal office is located, pursuant to New York Judiciary Law §496; or
 - (2) Bar associations, or subsidiaries or programs of bar associations, which have as their primary purpose the furnishing of legal services to indigent persons.
- ii. **Approval** – An eligible organization seeking to become an Approved Pro Bono CLE Provider must submit to the CLE Board a letter requesting approval. The letter shall include the names and/or brief descriptions of the organization's pro bono CLE programs and the name of a pro bono CLE contact person at the organization. The organization requesting approval as an Approved Pro Bono CLE Provider shall be furnished with written notice of the CLE Board's determination to approve, conditionally approve or deny the request by first class mail at the address reflected on

the letter requesting approval. Pro bono CLE programs sponsored by Approved Pro Bono CLE Providers are deemed approved for pro bono CLE credit for a period of three (3) years from the date of the CLE Board's approval of the Pro Bono CLE Provider.

- d. **Calculation of Credit**— Credit for pro bono legal services shall be awarded in the following ratio: one (1) CLE credit hour for every six (6) 50-minute hours (300 minutes) of pro bono legal service. Ethics and professionalism credit hours are not available for participation in this type of CLE activity. A maximum of six (6) pro bono CLE credit hours may be earned during any one reporting cycle.
- e. **Attorney Obligations**— Attorneys shall keep time records of their participation in pro bono CLE activities and shall retain the time records for a period of four (4) years.
 - i. Attorneys who perform pro bono CLE activities pursuant to assignment by a court shall calculate the CLE credit hours earned pursuant to section 3(D)(11)(d), above. The attorney shall retain for a period of four (4) years the CLE credit hour calculation and a copy of the court order assigning the attorney to the pro bono activity.
 - ii. Attorneys who perform pro bono CLE activities sponsored by an Approved Pro Bono CLE Provider shall complete an affirmation describing the services provided, and stating the number of hours of pro bono legal service that the attorney performed. The attorney shall submit the affirmation to the sponsoring Approved Pro Bono CLE Provider.
- f. **Obligations of Approved Pro Bono CLE Providers**
 - i. **Letters of Participation**— Approved Pro Bono CLE Providers shall furnish participating attorneys with a letter of participation indicating: (1) the name of the Approved Pro Bono CLE Provider, (2) the date(s) of assignment, and the location and name, if applicable, of the pro bono CLE program, (3) the name of the attorney participant, (4) the number of hours of pro bono service provided by the attorney pursuant to section 3(D)(11)(e) above and (5) the number of pro bono CLE credit hours earned, calculated pursuant to section 3(D)(11)(d), above.
 - ii. **Participation List**— Approved Pro Bono CLE Providers shall retain for a period of four (4) years a list of participants in each pro bono CLE program along with the number of hours of pro bono service claimed and

the number of pro bono CLE credit hours earned by each participant.

- iii. **Year-End Reports** – Approved Pro Bono CLE Providers shall complete and submit to the CLE Board a year-end report at the end of each calendar year during which the organization has been an Approved Pro Bono CLE Provider. The report shall contain information for pro bono CLE programs sponsored during the prior 12 months, including: (1) the total number of pro bono CLE programs sponsored, (2) the total number of attorneys participating in the pro bono CLE programs and (3) the total number of hours of pro bono service provided by attorneys under the provider’s pro bono CLE programs.

- g. **Carry-Over Credit for Newly Admitted Attorneys** – Newly admitted attorneys may earn pro bono CLE credit as set forth in this section 3(D)(11), solely for the purpose of carrying over pro bono CLE credit to the following biennial reporting cycle in partial fulfillment of the requirements for experienced attorneys. A maximum of six (6) CLE credit hours, including pro bono CLE credit, may be carried over to the following biennial reporting cycle. Newly admitted attorneys may not apply pro bono CLE credit to their minimum requirements as set forth in §1500.12(a) of the Program Rules and section 2(A) of these Regulations and Guidelines.

- h. **Effective Date** – Pro bono CLE credit pursuant to this section D(11) may be earned only for pro bono legal services performed after January 1, 2000.

SECTION 4. GUIDELINES FOR WAIVERS, MODIFICATIONS, EXTENSIONS OF TIME AND EXEMPTIONS

A. Waivers and Modifications

- 1. **Rule** – The CLE Board may grant a waiver or modification of Program requirements based on undue hardship or extenuating circumstances that prevent the attorney from complying with Program requirements.

- 2. **Application** – An attorney seeking a waiver or modification of Program requirements shall submit a written request to the CLE Board as soon as possible. The request shall include:
 - a. a full description of the undue hardship or extenuating circumstances necessitating the request;