



**Issue 285 | February 2**

### **UPL-Related Lawsuit in New York**

## **Nonprofit, Prospective Volunteer Sue New York Attorney General, Claiming Rules Against Unauthorized Practice of Law Violate First Amendment Rights**

Can rules against unauthorized practice of law infringe on the First Amendment rights of nonlawyers who provide free legal advice to debt collection defendants? That's the contention of a lawsuit filed in New York state last week by Upsolve, which has created a training program for nonlawyers to deliver this kind of advice, and by the Rev. John Udo-Okon, a prospective volunteer counselor. The defendant in the case is New York Attorney General Letitia James. The lawsuit, which one professor says may be a test case for others offering similar assistance, says that many low-income New Yorkers can neither afford a lawyer nor find pro bono representation, so they often fail to respond to debt collection suits and end up with default judgments against them. Learn more about *Upsolve v. James* at [ABA Journal](#).

## **Different Jurisdictions Take a Variety of Health and Safety Measures for February In-Person Bar Exam**

With the February 2022 bar exam fast approaching and COVID-19 not retreating, various jurisdictions are looking into what safety measures they can and can't provide for test takers. For some, this means requiring proof of vaccination, a negative test result, or both, while others are prohibited from establishing such requirements. Last month, the National Conference of Bar Examiners confirmed its previous decision that this bar exam would be in person with no remote option, and also added that for jurisdictions with restrictions against large, in-person gatherings, the test date would be pushed back to late March. [ABA Journal](#) has more details on what measures some jurisdictions are putting in place and thoughts from law professors, admissions officers, and others regarding how feasible it is to hold a safe exam this month.

## **New Statewide Collective in Nebraska Works Toward Diversity, Equity and Inclusion in Law**

What began four years ago as a brainstorming session among the dean of the University of Nebraska College of Law and representatives from the Nebraska State Bar Association has resulted in a new, statewide collective focused on diversity, equity and inclusion: the Nebraska Legal Diversity Council. While it isn't unusual for bars and other stakeholders to collaborate on DEI efforts, the executive director of the NLDC says this is the first such effort she knows of that uses the collective model. Each founding member organization—including law firms, businesses, the bar, and the state's two law schools—has committed to active participation and a contribution of \$10,000 per year for the next three years. How does the NLDC plan to carry out its mission to foster the creation of a more culturally diverse and inclusive legal community in Nebraska? Find out at [law.com](#), and see additional coverage in the [January-February 2022 issue of Bar Leader](#).

## **Legal Ethics Courses See Renewed Focus, Fresh Energy in Past Two Years**

Legal ethics courses, which many law students used to think were dry and theoretical, are

now being looked at differently, with professors emphasizing practical topics and students feeling eager to discuss concepts such as access to justice and diversity, equity and inclusion. That's according to several professors and students, who say that the combination of the COVID-19 pandemic and the nationwide focus on racial inequity sparked by the murder of George Floyd has made legal ethics seem much more relevant in the past two years. [Bloomberg Law](#) shares how some law schools are using their ethics and professional responsibility courses as a way to help students prepare for ethical practice in an office or a remote setting and to open up thoughtful discussions of current events related to DEI.

## Join Us in Chicago for the 2022 ABA Bar Leadership Institute!

There's still time to register for next month's [ABA Bar Leadership Institute](#). Don't miss this opportunity to reconnect in person with your bar association peers. Attendees will experience first-rate programming on best practices in leadership, key trends impacting bar organizations and how to successfully navigate challenging conversations and governing board impasses. For more information, contact [Molly Flood](#).



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