

AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF
 MAJOR DISASTER

	Adopted Rule (13)	Considering Adoption (16)	Decided Not To Adopt (6)	Other Info
	(AZ, CO, DE, IA, LA, MN, MO, NH, NJ, NY, OR, TN, and WA)	(AL, CA, DC, FL, GA, HI, IL, MD, MS, MT, NE, ND, OK, TX, VT, and VA)	(MI, NC, OH, PA, UT, and WY)	
AL		X		
AK				
AZ	Rule 39, Rules of the Supreme Court http://www.supreme.state.az.us/rules/2008%20Rules%20a/R-07-0017.pdf			
AR				
CA		X		In May 2008 the Board of Governors of the State Bar of California voted to recommend to the California Supreme Court that no action need be taken on the model court rule.
CO	Rule 224. Provision of Legal Services Following Determination of a Major Disaster: Colorado Rules of Civil Procedure			
CT				No proposal pending.

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				Connecticut has adopted Section 1-9B of the Superior Court rules, effective January 1, 2011, which provides that in the event that the Governor declares a public health emergency or a civil preparedness emergency, the Chief Justice or in certain circumstances the Chairman of the Rules Committee may call a meeting of the Rules Committee at which that committee will have the power to adopt, revise and suspend rules deemed necessary in light of the emergency. (See also Public Act 10-43 attached which gives the Chief Justice and the Chief Court Administrator emergency powers.)
DE	Supreme Court Rule 58			
DC		X		DC Bar has established a working group to make recommendation to the Board of Governors. Rule 49 may already allow "temporary/intermittent practice".
FL		X		Florida has proposed the adoption of a Major Disaster Rule. Proposed Rule 1-3.12. http://www.floridabar.org/DIVCOM/JN/jnews01.nsf/8c9f13012b96736985256aa900624829/53a08da3b3410c3f852577850066e462!OpenDocument
GA		X		A Bar committee has been working on getting the Court to approve it. If the Court approves the Rule, they will amend the comment to 5.5 as the ABA did.

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HI		X		The Hawaii Supreme Court considered the ABA Model Rule on Major Disasters in March 2007 and referred the proposal to the court's Commission on Professionalism. The Commission has not reported back.
ID				
IL		X		Materials forwarded to the ISBA's Standing Committee on Professional Responsibility. Their next meeting is scheduled for February 8, 2008.
IA	Iowa Court Rules 31.17, 31.25 (Form 3) and Iowa Rule of Professional Conduct 32:5.5 Comment [14a] (May 14, 2007, effective immediately) http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf			
KS				
KY				
LA	Part O, Rule XLI, Rules of the Supreme Court of Louisiana http://www.lasc.org/rules/orders/2011/PART_O_RULE_XLI.pdf			

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MD		X		Court of Appeals studying the issue.
MA				

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MI			X	On November 5, 2009 the Michigan Supreme Court decided not to publish for comment a proposed Major Disaster Rule.
MN	Minnesota Supreme Court Rule on the Provision of Legal Services Following the Determination of a Major Disaster http://www.mncourts.gov/Documents/0/Public/Clerks_Office/2009_12_10_Order_Legal_Svc_Rule.pdf			
MS		On November 27, 2007 the Special Panel on Rules Governing Admission to the Mississippi Bar submitted a report and Recommendations to the Mississippi Supreme Court. The panel recommended the adoption of new Mississippi Rules of Appellate Procedure Rule 46(f): Temporary Admission and Practice upon Declared Emergencies.		On October 15, 2007, the Sup. Ct. of Mississippi adopted an Amendment to Rule 46 of the MS Rules of Appellate Procedure to include a provision for Pro Bono Publicus Attorneys. The purpose of Rule 46(f) is to permit and encourage attorneys who do not engage in the active practice of law in MS to provide legal representation to persons who cannot afford private legal services. See http://www.mssc.state.ms.us/Images/Opinions/143112.pdf Although Rule 46(f) doesn't quite emulate the Katrina Model Court Rule, it does facilitate deployment of out-of-state pro bono lawyers (whether or not there is a declared disaster).
	Adopted Rule effective January 1, 2008			

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MO	http://www.mobar.org/data/esq07/oct19/corrected-order.pdf			
MT		X		<p>STATE BAR OF MONTANA BOARD OF TRUSTEES September 17, 2008 Regular Meeting</p> <p>The ABA has asked Bars with no reciprocity to consider a disaster plan that would allow for displaced lawyers to temporarily practice law in their respective states. A motion was made, and seconded, to table this item to the December 2009 board meeting; motion approved.</p>
NE		X		Volunteer Lawyers Committee is studying.
NV				
NH	NH Supreme Court Rule 60 http://www.courts.state.nh.us/rules/scr/scr-60.htm			

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NJ	Rules Governing the Courts of the State of New Jersey (Effective September 1, 2008). Rule 1:21-10. Provision of Legal Services Following Determination of Major Disaster http://www.law.com/jsp/nj/PubArticleNJ.jsp?id=1202422998686			
NM				
NY	http://www.courts.state.ny.us/CTAPPS/news/nottobar/MajorDisaster.pdf			
NC			On January 24, 2008 the North Carolina State Bar Issues Steering Comm. decided not to adopt. The Committee believed that existing provisions in the State's administrative rules and Rules of Professional Conduct are sufficient.	
ND		X		The North Dakota Supreme Court has referred the matter to one of its standing committees on more than one occasion but The Rule has not yet been voted on by the Court.

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OH			X	Declined to adopt.
OK		X		
OR	Supreme Court Rule 146 http://www.publications.ojd.state.or.us/RULE146.htm			
PA			X	
SC				
SD				
TN	Tenn. Sup. Ct. R. 47 (Effective January 1, 2010).			
TX		X		(Chief Justice Wallace Jefferson recently appointed Denise Davis as Chair of Task Force to study.)
UT			X	Supreme Court of Utah letter regarding Major Disaster Rule: http://www.abanet.org/cpr/nosearch/katrina_chart.pdf
VT		X		The Civil Rules Committee has not yet begun review the Major Disaster Rule
VA		X		As of September 16, 2008, pending in the Virginia Supreme Court. http://www.vsb.org/site/regulation/provision-of-legal-services-following-determination-of-major-disaster

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WA	Effective September 1, 2008 http://www.courts.wa.gov/court_Rules/proposed/2007Nov/APR27.doc			
WV				
WI				
WY			X	

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