

Conference of Chief Justices

Policy Statements & Resolutions

Resolution 3

Encouraging Consideration of the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster

WHEREAS, on February 12, 2007 the American Bar Association adopted the Model Court Rule on Provision of Legal Services Following Determination of Major Disaster; and

WHEREAS, this Model Court Rule was adopted after study and upon recommendation of the ABA Task Force on Hurricane Katrina; and

WHEREAS, a major disaster, such as a hurricane, earthquake, flood, wildfire, tornado, public health emergency or an event caused by terrorists or acts of war can not only cause catastrophic physical damage in the affected jurisdictions but also can damage or cripple the legal systems in these areas; and

WHEREAS, experience has taught that following such disasters there may be the need for lawyers from other jurisdictions to volunteer to provide pro bono legal services in the affected jurisdictions and further that lawyers from affected jurisdictions may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction; and

WHEREAS, the creation of a process for making legal services available in the aftermath of disasters is an administrative and operational issue for consideration by each state's highest court;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices urges the highest court of each state that has not already done so to consider adopting a rule setting forth an orderly manner for the provision of legal services following determination of major disaster, and further the Conference commends the ABA Model Court Rule on this subject as the foundation upon which to create such a rule.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee at the 59th Annual Meeting on August 1, 2007.