

State Emeritus Pro Bono Practice Rules

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American Bar Association
Commission on Law and Aging
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Emeritus pro bono practice rules encourage retired and inactive attorneys to volunteer to provide pro bono assistance to clients unable to pay for essential legal representation. At last count 35 jurisdictions have adopted emeritus pro bono rules waiving some of the normal licensing requirement for attorneys agreeing to limit their practice to volunteer service. The following chart contains essential details of the current rules.

For More information see:

No Longer on Their Own: Using Emeritus Attorney Pro Bono Programs to Meet Unmet Civil Legal Needs

http://www.abanet.org/aging/docs/V2_pro_bono_emeritus_brochure_3-5.pdf

and

Emeritus Attorney Programs: Best Practices and Lessons Learned

http://new.abanet.org/aging/PublicDocuments/emeritus_best_practices_9-27.pdf

State (adopted/Amended)	Age	Years of practice	Retired Inactive other	Out of State License Allowed	Waive dues	MCLE Waived	Certified legal services program	Direct supervision required	Malpractice Insurance mentioned in the rule	Contact
Alabama (2008) Rule 6.6 http://www.alabar.org/ogc/PDF/03052009_6-5_6-6_rule.pdf Special Membership	No	No	Inactive	No	Reduced	No	Yes	No	Required	Linda L. Lund, Director Volunteer Lawyers Program Alabama State Bar P. O. Box 671 Montgomery, Alabama 36101 (334) 269-1515 linda.lund@alabar.org
Alaska (2007) Alaska Bar Rule 43.2	No	No	Retired or inactive	No	Yes	n/a	Yes	No	Legal Service organization must provide malpractice coverage	Krista Scully Pro Bono Coordinator Alaska Bar Association 907-272-7469 scullyk@alaskabar.org
Arizona (1987) (2009) Arizona Rules of the Supreme Court Supreme Court Rule 38(e). Emeritus Attorneys Pro Bono Participation Program	No	5	Retired	Yes	Yes	Yes	Yes	Yes	Disclosure of existence	Lara Slifko Resource Development Director Arizona Foundation for Legal Services and Education 602-340-7235 Lara.Slifko@azflse.org
California (1987/2008) Pro Bono Practice Program Title 3 Division 2 Chapter 8	No	At least 5 and 3 of last 5 in Calif.	Inactive	No	Yes	No	Yes	Adequate supervision	No mention	Rodney Low Program Developer State Bar of California 415-538-2219 Rodney.Low@calbar.ca.gov
Colorado (2007) Colorado Court Rules 223	No	No	Inactive for in state license Active or inactive for out of state license	Yes	Yes (Out of state attorneys must pay one time administrative fee of \$50)	No mention	No Must work under the auspices of a non-profit legal aid or pro bono program. Does not require approval of program by	no	No mention	Kathleen M. Schoen Director Local Bar Relations & Access to Justice Colorado Bar Association 303-824-5305 kschoen@cobar.org

Connecticut Emeritus Project	No	No	Active	No	Occupational Tax is waived if attorney is only performing pro bono work	No Mention	Bar. Yes	No	Provided by Agency	Melissa Dewey Law-Related Outreach Specialist Connecticut Bar Association mdewey@ctbar.org
Delaware (1987/2003) Supreme Court Rule 69 www.delaware.gov/rules Supreme Court Rule 69	65	No	Inactive	No	Waived	Yes	Non profit legal aid and other listed services	No	No mention	Cathy Howard Clerk Delaware Supreme Court 302-739-4155 Cathy.Howard@state.de.us
District of Columbia (1982) Ct. App. Rules 49(c)(9)(10) www.dccapitals.gov/dccourts Court of Appeals Rule 49 (c)(9) & (10)	No	No	Inactive for DC license	Exception for the first 90 days if licensed in any jurisdiction, working for legal aid	No	N/A	No	No Out of state license must be supervised	No mention	Maureen Syracuse Pro Bono Program Director The District of Columbia Bar 202-737-4700 ext. 290 msyracuse@dcbar.org
Florida (1985/2006) Bar Rule 12 www.flabar.org Bar Rule 12	No	10 of last 15	Retired	Yes	No	No Limited exception for "certification reporting."	Yes	Yes	No mention	Terry Hill Pro Bono Programs Florida State Bar 850-561-5700 thill@flabar.org
Georgia (1995) Bar Rule 1-202 (d) Applies to all Emeritus Attys www.gabar.org Bar Rule 1-202 (d)	70	25	Retired	No	Yes	Waived at age 70	Yes Pro Bono agency or Non-profit Legal Services	No	No mention	Michael Monahan Pro Bono Project State Bar of Georgia 404-527-8762 mike@gabar.org
Hawaii (2002/2007) Supreme Court Rule 20 www.courts.state.hi.us Supreme Court Rule 20, Pro Bono Publicus Attorney	No	No	Inactive	No	Yes, Reduced to inactive rate	N/A	Yes	No	Legal Service organization must provide malpractice coverage	James Branham Staff Attorney Hawaii Supreme Court 808-539-4747 James.L.Branham@courts.state.hi.us Lyn Flanigan Esq. Executive Director Hawaii State Bar Association 808-537-1868 lflanigan@hsba.org
Idaho (1990) Bar Rule 228 http://isb.idaho.gov/general/rules/ibcr.html	No	10 of last 15	Retired or not engaged in the active	Yes	Reduced	No	Yes	Yes	LS must disclose existence and extent	Diane Minnich Executive Director Idaho State Bar 208-334-4500

			practice of law						of coverage	dminnich@isb.idaho.gov
Illinois (2008) Supreme Court Rule 756 https://www.iardc.org/rulesSC T.html#Rule%20756	No	No,	Retired or Inactive	No	Waived for retired Reduced for inactive	yes Must agree to participate in training by sponsor	Yes	No	Must be provided by the LS agency	Kelly Tautges Director of Pro Bono The Chicago Bar Foundation 312-554-8356 ktautges@chicagobar.org
Maine (2/1/2005) Bar Rule 6(d) http://www.mebaroverseers.org/ Bar Rule 6 (d)	No	No	Inactive (filed notice to discontinue the practice of law)	No	Reduced	No	Yes	No	Not mentioned	Jackie Rogers Executive Director Maine Board of Overseers of the Bar 207-623-1121 board@mebaroverseers.org
Maryland (1/1/97) Ct. App. Rules 16-811 (e)(2); 1-312 http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&f n=main-h.htm&cp= http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&f n=main-h.htm&cp=	No	No	Retired Inactive	No	Waiver of client protection fund	N/A	Yes	No	Not mentioned	Sharon Goldsmith Executive Director Pro Bono Resource Center of Maryland 410-837-9379 sgoldsmith@probonomd.org
Massachusetts (1/1/05) Sup. Jud. Ct Rule 4:02(8) http://www.lawlib.state.ma.us/source/mass/rules/sic/sic402.html Supreme Judicial Court Rule 4:02 (8)	No	No	Retired Inactive	Yes	Yes for retired Reduced for inactive	N/A	Yes	No	Not mentioned	Office of Bar Counsel Mass. Board of Bar Overseers 617-728-8749
Michigan (2004) Bar Rule 3(F)	70 or Member of the State Bar for 30 years	70 or Member of the State Bar for 30 years	Active or Inactive	No	Waived	N/A	N/A	N/A	N/A	Robert Mathis Pro Bono Service Counsel (517) 346-6412 rmathis@mail.michbar.org
Mississippi (2007) Mississippi Rules of Appellate Procedure Rule 46 (f) http://www.mscoa.org/rules_of_appellate_procedure.pdf	No	No	Inactive or Licensed in another state	Yes	No	No	Yes	Yes	Required	Adam Kilgore General Counsel Mississippi Bar Association 601-948-4471 ogc@msbar.org Shirley Williams Executive Director Miss. Volunteer Lawyers Project swilliams@msbar.org
Montana (2005/2006) Bar Rule Art. 1, §3 (g)	No	10 of last 15	Retired or inactive and	No	Yes	10 hours	Yes 25 hour	No	Not mentioned	Janice Doggett Equal Justice Coordinator

www.montanabar.org			must complete 25 hours of pro bono per year				minimum per year			State Bar of Montana 406-442-7660 idogett@montanabar.org
Nevada (2008) Supreme Court Rule 49.2. Limited practice for emeritus pro bono attorneys	No	No	Inactive in state Active or inactive out of state Clinical Law Professors	Yes	Based on inactive status	Yes Waived for inactive and retired members (214)	Yes	No	Disclosure if they have coverage	Kristina Marzec Director, Access to Justice Commission State Bar of Nevada 702-317-1404 800-254-2797 Toll Free kristinam@nvbar.org
New Hampshire (2003) By-Laws of the New Hampshire Bar Association Article II Section 8	No	No	Not otherwise engaged in the practice of law	No	Reduced at least 90%	Yes	No	No	Not mentioned	Ginny Martin Legal Services Director New Hampshire Bar Association 603-224-6942 gmartin@nhbar.org
New Mexico (2008) Rule 15-301.2	No	20 years instate and out of state license	Inactive in state Active or inactive if licensed in another state	Yes	Reduced	No	Yes	No	Not mentioned	Sarah Singleton Co-Chair, New Mexico Access to Justice Commission ssingleton@montand.com (505) 986-2648
New York (2003) (2010) 22 NYCRR § 118.1(g) *Age, years of service, minimum hours, and malpractice coverage are detailed on the approved attorney registration (license renewal) form and are not specified in the text of the rule.	55*	10*	Retired Commit to minimum 30 hours per year of pro bono	No	Yes	Yes – any* necessary training to be provided by sponsor without charge	Volunteer lawyers program on the Court System	Yes	Provided	Fern Schair, Chair of the Attorney Emeritus Advisory Board, schair@law.fordham.edu
North Carolina (2007) North Carolina – Bar Rule Sub Part A. Sec. 0201(c)(2)(E)	No	No	Inactive	Yes	Yes	Yes	Yes	Yes	No Mention	Tom Lunsford Executive Director North Carolina State Bar 919-828-4620 tlunsford@ncbar.gov
North Dakota (2009) Supreme Court Rule 3.1	No	Active 5 years out of past 10	Volunteer practice only	Yes	Yes	No	Yes	Yes	No Mention	Penny Miller Clerk North Dakota Supreme Court 701-328-2221 PMiller@ndcourts.gov

Oregon (1987/2001/2008) Bar Rule 6.1 www.osbar.org Oregon State Bar By-Laws 6.101 (bylaws)	No	No	Volunteer practice only	No	Reduced	Yes	Yes	No	No Mention	Catherine Petrecca Pro Bono Program Developer Oregon State Bar 503-431-6355 cpetrecca@osbar.org
South Carolina (2008) Supreme Court Rule 415 www.judicial.state.sc.us Supreme Court Rule 415	No	Inactive or Retired for less than 7 years	Retired or inactive for not more than 7 years	Yes	Reduced/ Exempt	Yes	Yes	Yes	No Mention	Gayle Watts Deputy Clerk for Bar Admissions South Carolina Supreme Court 803-734-1080 Robin Wheeler, South Carolina Access to Justice Commission, (803) 576-3808, rwheeler@sctbar.org
South Dakota (2008) Supreme Court Rule SDCL 16-17.4.1.	No	No	Retired	No	Inactive	No	Yes	No	Not mentioned	Tom Barnett Executive Director State Bar of South Dakota 605-224-7554 Thomas.Barnett@sctbar.net
Tennessee (2010) Supreme Court Rule 50A http://www.tsc.state.tn.us/OPINIONS/TSC/RULES/TNRulesOfCourt/06supct25_end.htm#Rule50A	No	5 out of last 10 or engaged in the active practice of law for 25 years	Inactive	Yes	Yes	No	Yes	Yes	Existence and extent	Sarah Hayman Access to Justice/Public Education Coordinator Tennessee Bar Association 221 4th Avenue N. Suite 400 Nashville, TN 37219 Phone: 615.383.7421 shayman@tnbar.org
Texas (1988) Bar Rule Article XIII www.texasbar.com Bar Rule Article XIII	No	5 of last 10	Retired	Yes	If over the age of 70	Yes (XII 4-G)	Yes	Yes	Yes	Texas Lawyers Care 512-427-1859 800-204-2222, ext. 1855 tlcmail@texasbar.com
Utah (1996) Utah Bar Rules Chapter 14 Rule 14-101 et seq. (RIM); Rule 14-203 (Bylaws); Rule 14-401 et seq. (MCLE)	If Retired 75 or 50 years of practice	If Retired 50 years of practice or age 75	Retired active 50 years or 75 years of age Or Inactive	No	Yes	Not waived if you are on Active Emeritus	Yes	Yes	Not mentioned	Karolina Abuzyarova Utah State Bar Pro Bono Department (801) 297-7027 probono@utahbar.org
Virginia (2004) Supreme Court Rule 6:4-3 www.vsb.org	No	10 of last 15	Retired	No	Yes	No	Yes	Yes	Not mentioned	Maureen Petrini Pro Bono Coordinator Virginia State Bar

