

# Checklist for Creating An Emeritus Attorney Pro Bono Participation Program

By Holly Robinson

The purpose of enacting emeritus attorney pro bono practice rules and establishing an emeritus attorney pro bono participation program is to encourage and provide retiring attorneys, or non-practicing attorneys who have chosen other career paths, who otherwise may choose inactive status or resign from membership in the bar, the opportunity to provide pro bono legal services to low- and moderate-income individuals and vulnerable seniors.

To encourage participation and utilize the legal skills, training, and experience of retiring and non-practicing attorneys in providing pro bono services, the results of a survey conducted in 2006 by the **ABA Commission on Law and Aging** suggest that a state or territorial bar:

- ✿ Adopt practice rules that permit and encourage retiring or otherwise non-practicing attorneys to choose this type of bar membership or status; and
- ✿ Establish a statewide emeritus attorney pro bono participation program that offers attorneys a meaningful opportunity to volunteer their valuable skills to legal services providers, thereby increasing the availability of legal assistance to low- and moderate-income individuals and vulnerable seniors.

Enacting an emeritus attorney pro bono rule is a necessary first step. But equally important is establishing a program to implement the rule, educate retiring and non-practicing attorneys about the option, encourage attorneys to volunteer, and provide support to legal services providers in recruiting and maintaining volunteers.

The establishment of an emeritus attorney pro bono participation program requires consideration of a number of elements and variables. The following list of factors and questions may be helpful in the formulation process.

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## ✓ Program Administration

Who will administer the program? Pro bono or program development staff, access to justice staff, or committees of a state bar or bar association may be well-suited to this task.

## ✓ Rule Administration

Who will receive applications for emeritus pro bono status? Does that entity have the capacity to create and maintain a data base of emeritus pro bono attorneys, either as part of the bar membership data base or a separate data base?

Who will verify elements of a rule that may require verification; *i.e.*, a length of practice requirement, or will an attorney's filing of an affidavit be sufficient?

If out of state attorneys are permitted to provide pro bono services, will there be a different process for their registration?

## ✓ Attorney Registration Requirements

How often will attorneys be required to register for emeritus attorney pro bono status—once, annually, bi-annually? Will registration be a part of or separate from bar registration requirements?

## ✓ Legal Services Provider Registration Requirements

How will legal services provider registration be handled? Will providers be required to register once, annually, or bi-annually?

Does the entity receiving applications from providers have the capacity to create and maintain a data base of providers?

What happens after a provider files an application with the named entity?

Is the process administratively onerous or discourage providers from participating?

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## Emeritus Pro Bono Checklist

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### ✓ Outreach and Recruitment of Attorneys

Who will be responsible for informing retiring and non-practicing attorneys about the rule and recruiting attorneys to volunteer? What mechanisms are available to do this (e.g., dues statements and other mailings of the bar association)?

### ✓ Outreach and Recruitment of Legal Services Providers

Who will be responsible for informing legal services providers about the rule and advising them about the availability of volunteers?

### ✓ Attorney Orientation and Training

What type of orientation and training will be provided to new volunteers? The Washington State Bar Association requires all attorneys interested in changing their status to “emeritus” to participate in a one-time orientation training. The potential new volunteers are welcomed by the president of the Washington State Bar and have an opportunity to meet legal services providers. Attendees at this training receive information about volunteer opportunities available at the various legal services providers, as well as logistical information about changing their bar membership status to emeritus. Attendees are reimbursed for their travel expenses to attend the orientation training. Many organizations that sponsor CLE seminars offer low-cost or free admittance to emeritus attorneys.

**Collaborate** is a listserv dedicated to providing a forum for the aging, disability, and dispute resolution communities. Sponsored by the ABA Commission on Law and Aging, the listserv includes more 185 mediators, lawyers, long-term care ombudsmen, aging and disability advocates, service providers, and academics. The objective is to promote the use of creative dispute resolution mechanisms in the aging and disability communities.

The listserv is low-key, and offers a useful way to exchange information, updates, and announcements.

To sign up, send an e-mail to [ericawood@staff.abanet.org](mailto:ericawood@staff.abanet.org).

### ✓ Volunteer Recognition

How will the efforts of the emeritus pro bono attorneys, who are participating in the state’s access to justice efforts, be recognized for their contributions?

### ✓ Program Evaluation and Outcomes

Will the entity responsible for overseeing the implementation of the rule be able to report, on a regular and on-going basis, the number of attorneys providing pro bono services under the rule, the number of legal services providers for whom emeritus pro bono attorneys are volunteering, and the overall impact of the rule in meeting unmet legal need?

Will the entity responsible for overseeing the implementation of the rule be able to identify aspects of the rule that may be barriers to volunteering and recommend changes to the rule?

It is important to remain mindful that the goal of emeritus attorney pro bono participation rules and programs is to encourage retiring and non-practicing attorneys to volunteer to provide pro bono services and to expand access to justice for low- and moderate-income persons and vulnerable seniors. But, 20 years of experience with emeritus attorney pro bono rules has demonstrated that adopting emeritus attorney pro bono rules without establishing an emeritus attorney pro bono participation program to implement the rules is ineffective in meeting the stated goals of the rules; namely, using emeritus attorneys to increase access to civil legal services for low- and moderate-income individuals and vulnerable seniors.

Emeritus attorney pro bono rules are a wonderful way to tap into the invaluable experience and time that retiring and non-practicing attorneys have to offer and can provide a significant avenue to engage attorneys in new or additional pro bono opportunities. Emeritus attorney pro bono participation programs can show them the way.

*“It’s a pleasure to have the support of the state bar in making this meaningful contribution”*

*“I find participation in the program very satisfying.”*

—2006 California Emeritus Attorney Survey