

Emeritus Attorney Programs: Best Practices and Lessons Learned

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Emeritus Attorney Programs: Best Practices and Lessons Learned

David Godfrey¹ and Erica Wood²

The term “emeritus” generally refers to a retired professional. In the bar association world, “emeritus practice provisions” rules waive some of the normal licensing requirements for retired or inactive attorneys who agree to limit their practice to pro bono work. This guide profiles state bar emeritus rules; describes two American Bar Association projects focused on emeritus attorneys; and offers key tips on planning an emeritus attorney program. Appendices detail state emeritus rules and include examples of helpful project materials.

Emeritus Attorney Rules

Provisions for emeritus attorney practice exist in 33 jurisdictions and take a variety of forms. Some state bar associations have a formal rule for emeritus attorney programs that create very specific definitions and conditions for emeritus participation. Other states create a distinct membership category for emeritus status in addition to the usual active, retired and inactive categories. When looking for emeritus rules, it is important to look both at the rules of practice and at the attorney licensing guidelines. See the chart on *State Emeritus Pro Bono Practice Rules* at Appendix A.

Some rules limit emeritus participation to attorneys who are formally retired from active practice, or to attorneys beyond a specified age or who have a minimum number of years of practice. Other rules allow both retired and inactive attorneys to qualify. Inactive attorneys are attorneys who are not retired, but not actively practicing law. Depending on the definition, this may include in-house counsel and government attorneys. The broader the definition of who qualifies under an emeritus rule, the larger the potential pool of emeritus pro bono volunteers.

Some states require that the attorney have been licensed and practiced in the state for a minimum number of years in the recent past. For example, Florida and Arizona require that an emeritus attorney must have practiced for ten out of the preceding 15 years. This ensures that the volunteer has some recent experience and that the attorney has paid bar dues for at least a few years before the dues are waived or reduced for emeritus practice. However, reports from the field indicate that these rules eliminate some willing volunteers.

Some emeritus rules are aimed specifically at retired attorneys, and have specific age requirements or requirements for a minimum number of years of active practice. These rules limit the pool of potential volunteers, ruling out younger retirees and retirees without the minimum number of years of active practice. All of the rules require that the attorney be otherwise eligible for active licensure, but for being retired or inactive. Some states require disclosure of past disciplinary history, and prohibit emeritus status for attorneys who have been sanctioned in a specified period of time.

Many retired and inactive attorneys live in states other than the state in which they are licensed to practice law. While many states limit emeritus status to attorneys licensed in the state, other states are expanding the pool of potential volunteers by extending emeritus status to attorneys licensed in any jurisdiction.

All states require that the pro bono legal practice of emeritus status attorneys be provided through an organized legal aid or pro bono program. Recognition of a qualified program is based on the rule. Some states have very strict requirements for qualified programs, and others simply state that the services must be offered through an organized non-profit program. The assumption in all of the rules is that the legal aid or pro bono program will screen clients and cases for eligibility and place cases with volunteers. This helps to focus the activities of emeritus status attorneys on clients who could not otherwise pay for assistance.

Some rules require the legal aid or pro bono program to supervise or oversee the work on the emeritus status attorneys. The requirement that services take place under the auspices of organized legal aid and pro bono programs limits the legal issues for assistance to those the host organization is able to work with. Legal aid and pro bono programs, especially those funded in part by the Legal Service Corporation, limit the legal issues for which they will refer clients to issues the program has determined are a program priority. Further the programs generally apply a “means test” or income and asset limits to determine if they will assist a client. The result is a focus on helping those with the greatest economic need. These limitations must be taken into consideration in designing an emeritus project. It is essential that the qualified legal aid or pro bono program be willing to help the target clients group, on the target legal issue.

A handful of rules require that the qualified legal aid or pro bono program provide legal malpractice insurance that covers the emeritus volunteers. Other rules require the disclosure of the existence or absence of malpractice insurance. Because emeritus volunteers are by definition retired or inactive attorneys, it is essential that malpractice coverage be considered in designing any emeritus project even if it is not required by the rules.

Most rules require the attorney and the sponsoring program to file documentation with the appropriate regulatory authorities. A goal in rule design should be to collect the data needed to accurately track who is practicing law for whom, while not creating an undue administrative burden. Some states require paperwork at the start of emeritus practice and at the end of the practice. Others require annual filing (especially the rules that create emeritus status as a category of bar membership.)

Emeritus rules encourage pro bono by attorneys who might not otherwise volunteer. All of the rules limit emeritus status attorneys to pro bono practice only. The intent is to lessen the licensing burden for attorneys who agree to limit their practice to unpaid work only. Emeritus practice provisions waive some of the normal attorney licensing requirements. In many cases the annual licensing fee is waived or reduced. Many of the rules also modify or waive the continuing legal education requirements. Some states entirely waive CLE while others reduce or require that CLE be provided without cost to the volunteer.

Lessons learned in emeritus attorney programs fall into two general categories—rule development and program development. Lessons learned in rule development relate to how the rules aid or hinder matching emeritus attorneys with clients in need of legal

assistance. Lessons learned in program development show how programs have thrived or failed based on the structure of the emeritus project. Some lessons learned purely involve rules or program issues, while others involve a combination the two.

ABA Emeritus Attorney Projects

In 2009 – 2010, the ABA Commission on Law and Aging, with additional ABA partners, received support from the ABA Enterprise Fund to conduct two key projects to bolster the use of emeritus attorneys to serve specific populations in need. The two projects—one focused on indigent guardianship cases and another focused on advocacy for Veterans – pave the way for additional efforts to use the resources, skills and valuable time of emeritus attorneys in other ways.

Emeritus Attorney Pro Bono Indigent Guardianship Project

Demographic trends in aging and disability will sharply boost the need for adult guardianship in the coming years. Sometimes an individual with intellectual disabilities, mental illness, cognitive impairments due to dementia, or traumatic brain injury needs a court-appointed surrogate to make financial, medical, residential or other personal decisions. Absent evidence of abuse or exploitation, willing family members or close friends often are the best surrogates because they are most familiar with the individual's background and preferences. Sometimes such a family member or friend may be willing and available to serve as guardian but lacks the financial resources—nor are there sufficient resources in the estate of the incapacitated person—to hire an attorney for representation in the petitioning process. Frequently legal aid program policies either do not include adult guardianship as a priority—or provide for representation of alleged incapacitated persons but not low-income family petitioners with genuine need.

The Emeritus Attorney Indigent Pro Bono Guardianship Project aimed to address this gap. The ABA Commission on Law and Aging and the Section of Real Property, Trust and Estate Law collaborated on a project to recruit emeritus pro bono attorneys to handle uncontested indigent adult guardianship cases for low-income families and other petitioners. (The project sought to ensure that the respondents in the proceeding were represented as well.) The project awarded four mini-grants of \$5,000 each to states with emeritus attorney pro bono practice rules. The grantees included:

- **Legal Aid Society of San Mateo County, California**—The Legal Aid Society of San Mateo County has a Caregivers Network that, in turn, has an existing Conservatorship Project (see brochure in Appendix) in which caregivers are matched with pro bono attorneys who specialize in probate matters. (In California, the term “conservatorship” means guardianship of adults.) The emeritus pro bono project substantially expanded the Conservatorship Project by recruiting transitioning and retired attorneys from the probate sections of the San Mateo and Santa Clara county bar associations and the California State Bar Pro Bono Estate Program.

The Conservatorship Project engaged in extensive recruitment (using state bar mailing lists of attorneys eligible for the Pro Bono Practice Program), and

provided training to emeritus and other pro bono attorneys. Legal Aid performed the intake for conservatorship cases conducted essential follow-up, and referred the cases to a pro bono attorney.

One of the San Mateo emeritus attorneys described his experience: “I would call it arduous throughout but the reward of successfully obtaining the Order and the Letters of Conservatorship was wonderful. As a copyright and trademark attorney . . . I had no idea what it entailed [Describes training]. . . . The Legal Aid intake forms were complete and made the initial meeting easy. . . . Weeks after the initial interview and much document preparation, it was time to file the documents. It was exhilarating that all of my completed documents were accepted by the Clerk in the Probate Section. I awaited the day of the hearing with some apprehension. Everything went smoothly and I had the pleasure to meet the conservatee . . . Nothing in the reports prepared me for the warmth and joy that shone through his smile, or the expressed and visible gratitude of the entire family in the waiting area outside of the courtroom and the Judge granted the Order and the Letters.”

- **Texas Lawyers Care**—Texas Lawyers Care, the Pro Bono Department of the Texas State Bar, worked with the Houston Volunteer Lawyers Program to recruit two sets of lawyers —emeritus attorneys and supervising attorneys with knowledge of guardianship. The project sought to pair lawyers from each set to handle a pro bono guardianship cases.

The supervising attorneys were active attorneys adept in guardianship law, elder law and/or estate planning and probate law. The supervising attorneys served as mentors and supervisors for the emeritus attorneys. This partnership allowed experienced active attorneys to leverage their expertise into greater pro bono contributions. The project reported that “every hour contributed by the supervising attorneys facilitated many more hours of pro bono contributions by emeritus attorneys.

Texas Lawyers Care recruited and screened the attorneys and coordinated the certification of emeritus attorneys. The Houston Volunteer Lawyers Program provided oversight. It matched emeritus attorneys and supervising attorneys, matched the pair to a pro bono guardianship case, tracked the progress of each case, and provided general support to the volunteers.

The Texas project submitted the following client-attorney story: Client C received legal aid from emeritus attorney L, who helped her gain guardianship for her mentally disabled teenage son, Frederick. . . C had been taking care of him all his life. The son’s school encouraged C to get legal counsel because the son was nearing age 18. Attorney L guided the client step by step through the guardianship process, and the court awarded guardianship to C, who was extremely satisfied with the services. Attorney L had a very positive experience. Although this was her first time working on a guardianship case, she was successful. She worked with her mentor attorney, who provided her with legal knowledge and office space to meet the client. When the Probate court awarded her client guardianship, the presiding judge spoke words of appreciation for her services and encouraged her to continue her pro bono efforts.

- **Legal Aid of West Virginia**—In West Virginia, the project initiated a collaboration to encourage emeritus and other volunteers to assist low-income family guardianship petitioners (see brochure in Appendix). The project laid the groundwork for a working emeritus pro bono effort statewide. Legal Aid of West Virginia, the West Virginia State Bar and the Supreme Court Administrative Office for the first time worked together to increase pro bono services throughout the state. The project developed recruitment materials, identified eligible emeritus attorneys through a State Bar list, provided a training on guardianship and conservatorship issues (combined with emeritus certification information) – setting the stage for active recruitment.

One West Virginia retired attorney describes his experience in volunteering with Legal Aid as follows: “My law practice dealt almost exclusively with business transactions. I almost never went to court and certainly never practiced family law. My sympathy toward the poor and voiceless began to assert itself as I grew older, and as I chafed in retirement, Legal Aid began to seem like a sensible idea. However, I had none of the skills or experience to succeed at family law. As it turned out, I was wrong. Over the last three years, I still have a lot to learn, but my colleagues have been patient and have taught me more than I thought I could ever learn. I am contributing and feel good about what I am doing.”

- **Utah Legal Service**—Utah Legal Services recruited emeritus pro bono attorneys for a guardianship program by working directly with the pro bono coordinator of the Utah State Bar and its Senior Lawyers Section, Estate Planning Section, Committee on Law and Aging and the Utah Commission on Aging. The project made presentations, engaged in direct mailing, used “bar blast” emails to the broader legal community, hosted a CLE training on petitioning for guardianship, and conducted special trainings for intake staff. Utah Legal Services will continue to work with the Utah State Bar to recruit more emeritus attorneys; and will continue to place guardianship cases with these and other pro bono attorneys, now that program is in place.

A Utah emeritus attorney describes his experience: “During my years of practice, primarily as a public finance attorney, I never was involved in guardianship. I am fully retired and not an active member of the bar. The seminar sponsored by Utah Legal Services was enormously helpful and the sample forms were an excellent starting point. The probate clerk also was a reliable source of information. The case involved a 71-year-old veteran with Alzheimer’s and multiple other diseases. He was transferring from the VA hospital to a long-term care Alzheimer’s facility, which required a signed contract. His wife needed to be appointed guardian to initiate VA benefit payments. The veteran had episodes of violence and abusive anger, and the guardianship – which would make possible long-term care placement – was so important to the family that many were in court for the hearing to support the wife. The family were relieved and extremely grateful when the judge granted the petition. It was personally fulfilling, and a good experience for all concerned.”

Emeritus Attorney Veterans Advocacy Pro Bono Project

The Veterans Advocacy Pro Bono Project provided funding to four capacity building mini-grants, as well as training on representing veterans seeking benefits from the Veterans Administration. The grantees recruited emeritus and other pro bono attorneys to assist veterans on a wide variety of legal issues. By design the grantees focused on the needs of homeless veterans.

The project was coordinated by the ABA Commission on Law and Aging and co-sponsored by the Section on Administrative Law and Regulatory Practice, the Commission on Homelessness and Poverty, the Standing Committee on Bar Activities and Services–Division of Bar Services, the Standing Committee on Pro Bono and Public Service and the Senior Lawyers Division.

Recent changes in the rules regulating attorney representation of veterans seeking benefits from the Veterans Administration have dramatically expanded the role of attorneys. In addition to the four emeritus attorney capacity building grants, this project provided training to enable attorneys to become accredited by the Veterans Administration and is developing additional online training in advanced topics in representing at-risk veterans.

The following four projects were funded:

- **Delaware State Bar Association, Veterans Law Committee**, Wilmington, DE
The Veterans Law Committee of the Delaware State Bar Association collaborated with the Widener School of Law Clinical Program. The committee recruited pro bono volunteers and conducted workshops to train attorneys to represent veterans as claimants before the Veterans Administration. This project kicked off with a statewide meeting honoring all members of the Delaware Bar who are veterans. The program included an address on the needs of Veterans and military families by Dr. Jill Biden, an overview of the code of military justice and a panel on legal issues faced by veterans. Additional training was provided by the Widener School of Law. The student clinic at the Widener School of Law provided intake for the project.

The Delaware project assisted a client with a landlord/tenant case involving an active duty soldier facing eviction. The Justice of the Peace hearing the case requested the appointment of a pro bono attorney to evaluate the matter under the Service Members Civil Relief Act. A pro bono attorney agreed to represent the soldier and was successful in obtaining a 90-day stay of the eviction, action allowing the soldier time to resolve the issue.

- **Homeless Persons Representation Project Inc.**, Baltimore, Md. The Homeless Persons Representation Project (HPRP), Pro Bono Resource Center (PBRC), Maryland State Bar Association former Military Law Committee (MLC) (now the Veterans' Affairs and Military Law Committee), and the University of Maryland School of Law (UMSL) established the state-wide Maryland Emeritus Attorney

Veterans Initiative (MEAVI) to conduct outreach and provide free representation to low-income veterans, primarily those who are homeless or at risk of homelessness.

In summary, 47 volunteer attorneys were recruited and trained to provide pro bono representation to homeless veterans. The collaborative organizations held two statewide Legal Assistance Conferences on Veterans at the University Of Maryland School Of Law. Each conference was attended by over 70 people including members of the State Department of Veterans Affairs, employees of the VA and VA Medical Centers, military reentry specialists, service providers, and attorneys interested in volunteering with HPRP. Each conference contained a pro bono training.

The following case is typical of those helped by HPRP:

A veteran who had served in the Persian Gulf on a Navy vessel came to HPRP through intake at a local shelter/substance abuse rehabilitation program with which HPRP has a relationship. The client had served on a medical team that responded when there was an explosion on a sister vessel. Of the 11 sailors rescued from the explosion, all but 4 died as a result of their injuries. The client, as part of the medical response team, had worked with the rescued sailors and had had experiences such as the patients' skin coming off in his hands. The client suffered PTSD as a result of the experience, suffering nightmares during which he heard the cries for help from the sailors and saw over and over again the burns and injuries. Upon returning to the United States, the client was unable to keep a job working as an EMT or as an Orderly in local hospitals. He began to drink heavily as a result of his condition. HPRP had recently conducted training at a local law firm for volunteer attorneys interested in working on Veterans' Benefits cases. After meeting with the client at The Helping Up Mission, HPRP contacted one of the emeritus attorneys volunteers. After reviewing the file, the emeritus volunteer agreed the case had merit and began representation of the client. The case is ongoing at present.

- **Inner City Law Center**, Los Angeles, Calif. The Inner City Law Center operates a walk in law clinic on "skid row" in Los Angeles and operates a homeless veterans project. Through this project they recruited and trained pro bono volunteers focused a new initiative on helping female veterans. The cases they placed involved a combination of physical and mental disabilities, and range from combat PTSD through presumptive conditions such as multiple sclerosis that require intense fact gathering to prove onset within the presumptive time period.

The efforts of ICLC can make a real difference as illustrated by this attorney client experience:

Two pro bono volunteers represented a young veteran who served six deployments as a Ranger in Iraq and Afghanistan, for a total of more than two years on the frontlines. During his final deployment, he signed up for another tour and received a \$20,000 bonus, which was deposited into the joint checking account he had with his wife. She took the money and ran off from North Carolina to Las Vegas. When he returned and learned what happened, he took off after her, resulting in a less than honorable discharge for going AWOL. Plus the Army wants the \$20,000 repaid. Deep in debt he was evicted from his apartment.

He received a disability rating of 70% for PTSG last year, and then came to ICLC for further assistance. The volunteer attorneys were successful in getting the client's disability rating increased to 100%. This results in an increase in disability income from \$1,228 per month to \$2,673 per month, retroactive to October 2008. He received a lump sum payment and access to limited education benefits.

The pro bono volunteers filed a three-inch thick application for a discharge upgrade contending that his going AWOL was clearly due to PTSD which developed while on active duty – in large part when a grenade exploded in his Humvee. The upgrade was granted and the client proudly hangs his discharge in his living room. In addition the upgrade qualifies him for education and other benefits under the GI Bill.

- **Public Counsel Law Center**, Los Angeles, Calif. The Public Counsel Law Center worked with the Los Angeles Bar Association and the Beverly Hills Bar Association to recruit and train emeritus status attorneys and other volunteer attorneys to accept pro bono cases and work on the development of specialized Veterans Courts.

A common legal issue addressed by Public Counsel is the case of a veteran who attended a legal clinic at a residential treatment program on the VA campus in West Los Angeles and asked for help resolving a warrant from another state for failure to appear on a matter related to a verbal altercation with a bus driver. A law firm pro bono volunteer agreed to help. The pro bono attorney wrote to the Court in a neighboring state asking that the warrant be resolved pending the veterans' completion of one year of treatment for substance abuse. The Court agreed, the veteran completed one year of treatment, the warrant was dismissed and the veteran is now employed.

Lessons Learned: Best Practices for Planning Your Emeritus Project

Lesson #1: Involve Legal Aid and Pro Bono Programs in Emeritus Project Development from the Very Beginning

Under the emeritus rules, all but three jurisdictions require the involvement of a recognized legal aid or pro bono program in the provision of free legal assistance.³ In all of the other jurisdictions the emeritus attorney must volunteer through a qualified or certified legal service provider. Because of this it is essential that the legal aid or pro bono program be involved in program development from the very beginning. At least two emeritus programs have struggled with trying to engage a legal aid or pro bono partner – but too late, after the project was designed and funded. The role of the legal aid program is generally to identify appropriate clients, place the cases and support the pro bono volunteer. When entities outside of a pro bono or legal aid program design an emeritus program it is critical that the legal aid or pro bono partner be at the table to avoid two common pitfalls explored in lessons #2 and #3. In some cases, it will be most efficient to integrate the emeritus project with a legal aid or ongoing pro bono program for added synergy – particularly if the number of participating emeritus attorneys may not be sufficient to establish a distinct program.

All of the ABA indigent guardianship emeritus projects were either sponsored directly by or worked hand in hand with legal aid or pro bono programs. For instance, the San Mateo emeritus project was an outgrowth of the Legal Aid Society's existing Pro Bono Conservatorship Project. The Texas emeritus project was spearheaded by Texas Lawyers Care, which is the pro bono support department of the State Bar of Texas.

Likewise all of the Veterans Advocacy programs were sponsored by or collaborated with established legal aid and pro bono projects. The Public Counsel Law Center in Los Angeles recommended that groups planning for emeritus programs collaborate with state and local bar associations.

Lesson #2: Target Clients the Legal Aid or Pro Bono Program Can Accept As Clients

Legal aid and pro bono programs start with screening clients to identify those with the greatest economic and social need. Most legal aid and pro bono programs have clearly established income and asset guidelines (known as a means test) to determine if a client qualifies for free legal assistance. Programs funded by the Legal Services Corporation are required to develop and apply consistent standards to assure that they are serving clients with the greatest economic need.⁴ Some sources of funding prohibit the application of a “means test.”⁵ Even where a means test is not applied, legal aid and pro bono programs screen clients to control case volume and to target clients with the greatest social and economic. The aim is to provide free legal assistance to clients who are truly unable to pay for services. If the client does not meet eligibility guidelines, the program will not place the client with a staff or pro bono attorney – including an emeritus attorney. All of the successful emeritus programs we have seen are either independent pro bono programs or are will integrated with an existing legal aid program.

Lesson #3: Be Sure the Legal Issues Fall Within Legal Aid Program Priorities

Most legal aid and pro bono programs limit the legal issues for assistance and representation. Some programs are created to focus on specific issues or to help a limited client group. Legal service providers, especially those funded by the Legal Services Corporation, establish lists of “priority issues.”⁶ Cases outside of the program priorities can only be accepted on an emergency basis.⁷ In designing an emeritus program it is essential that the legal issue fall within the program priorities of the qualified legal aid or pro bono program that will place cases. At least two programs have collapsed when they were unable to get a pro bono or legal aid programs to place cases with emeritus volunteers because the legal issue was considered outside of “program priorities.”

For example, one emeritus effort was aimed at helping clients with probate cases that had extenuating circumstances and merited intervention. The program was organized by a bar committee and funded by an outside source. The program was unable to locate legal aid and pro bono programs (needed under the state emeritus rules) to place the cases. The legal issues were real and the client stories were compelling, but the legal issue was not an established priority with the legal service providers and they declined to participate.⁸ Another emeritus project lost the legal services provider who had originally agreed to place the cases due to budget cuts and staffing changes, and was unable to find a replacement legal services provider whose priorities included the case type (guardianship) on which the program was focused.

Because of the standard operating procedures in virtually every legal aid and pro bono project, and the fact that the vast majority of emeritus rules require the involvement of a qualified legal aid or pro bono program, it is essential that the legal services providers be involved in program development.

The grantees on the Veterans Advocacy projects focused on different aspects of the legal needs of Veterans. The projects helped clients with family law, landlord tenant law, veterans benefits and criminal law issues. The focus of programs was much more holistic than anticipated in the program design. The programs on the front lines had a strong understanding the spectrum of legal needs of the target population and how to best fill those needs.

Lesson # 4: Offer Free Training to Recruit, Reward and Retain Good Volunteers

Research shows that lawyers are constantly looking for ways to become better lawyers. Offering training as part of an emeritus (or any pro bono) recruitment effort helps attorneys learn new ideas and sharpen their skills. Every program that offered free training, reported that training was excellent tool for recruiting, rewarding and retaining pro bono volunteers.

At last count 46 states have mandatory or minimum continuing legal education (MCLE) requirements.⁹ In nearly every jurisdiction CLE training is essential for license renewal. Offering free CLE training as an incentive to volunteer in an emeritus pro bono program encourages attorneys to accept referrals from the program and stay involved. Providing training helps pro bono volunteers and emeritus volunteers update their knowledge and skills, making training a strong inducement for program participation.

This works even if the state is not an MCLE state or if the emeritus rule waives the CLE requirement.

Providing training will encourage attorneys to take cases outside their past experience and comfort zone. Training is primarily a program design issue -- pro bono recruitment campaigns can be designed with training as recruitment, retention and reward inducement for volunteers. Training can also be a rules issue -- about 10% of jurisdictions require MLCE training of all emeritus volunteers.¹⁰ About half of the rules modify or waive the MCLE requirement for emeritus volunteers¹¹. Even if MCLE is modified or waived, offering training can be a very useful tool to refresh and sharpen skills and encourage attorneys to take cases outside their past experience.

Training is also an opportunity for emeritus volunteers to interact socially with other attorneys. Reports show that some emeritus attorneys volunteer in hopes of social interaction. Part of this is interaction with clients, but it is important to include interaction with other lawyers in program design.

Each of the ABA emeritus indigent guardianship projects featured a CLE early in the process as a high-success approach to attracting interested attorneys. For example, see the CLE outline in the Appendices on “petitioning for guardianship” offered in Utah; and the agenda for the two-day training presented by Texas Lawyers Care.

The Veterans Advocacy Pro Bono programs provided individual training. This was supplemented by training to meet the VA attorney accreditation requirement (provided by the ABA Commission on Law and Aging, www.abanet.org/abastore/index.cfm?fm=Product.AddToCart&pid=CECA09PVAD) and will be supplemented further by webinars on advanced topics in veterans’ benefits. Working with national support programs to develop training can help to leverage resources and reach more volunteers.

Lesson #5: Get Them While They Are Hot!

Design the program to place cases promptly with new volunteers. Clients almost always have a real or perceived sense of urgency. Many clients delay seeking help until a real emergency exists. Once clients reach out for help, it is essential that they receive it in a timely manner.

Timing the flow of incoming clients to match available volunteers is always a challenge. Long delays between an attorney volunteering and the attorney receiving a client referral may cause enthusiasm to flag – and could increase the likelihood that the attorney will decline the referral. The key is to connect the volunteer with a client while the attorney’s interest in the project is at a peak. One technique is to refer to new pro bono volunteers clients that legal aid staff would ordinarily help. The sooner you are able to place a case with a new volunteer, the greater the chance the volunteer will accept the case and become a long term part of your volunteer panel. Care must be taken in designing the attorney and client referral process to assure that neither the attorney nor the client has a long wait.

Lesson #6: Don't Risk Going Unprotected

Retired and inactive attorneys are unlikely to have malpractice insurance. It is unfair to expose volunteer attorneys and clients to the risks of legal practice without such coverage. Malpractice insurance is primarily a program design issue, though an increasing number of emeritus rules address malpractice coverage.¹² Yet, in a recent study of emeritus rules only three out of 33 jurisdictions required the legal aid program to provide malpractice insurance, and another four required disclosure of the existence of coverage. Increasingly attorneys licensed in other jurisdictions are allowed to practice under the emeritus rules (15 out of 33 jurisdictions allow this¹³.) Attorneys not licensed in the state may find it impossible to purchase malpractice insurance. The legal aid or pro bono program should provide primary malpractice coverage for emeritus volunteers – yet one more reason to integrate the emeritus project into an existing legal aid or pro bono program.

Lesson #7: So Much Paperwork, So Little Time

In a 2006 survey of emeritus attorney program experiences a frequent comment was that the paperwork required under the rules was needlessly burdensome¹⁴. The survey recommended having one form for the volunteer attorney and legal services provider to complete to start or end an emeritus volunteer relationship. By rule many states have forms to be completed and filed by the program wishing to establish eligibility to host emeritus volunteers. Once the program is approved and a volunteer is located another form must be completed by the program and a separate form by the volunteer. When the volunteer leaves the program yet more forms must be filed by the attorney and the host program to terminate the emeritus relationship. It is possible to design rules that minimize the administrative burden, freeing time to devote to helping clients.

A couple of projects commented about the burden of completing and tracking the paperwork that the volunteer and program have to complete. The veterans project of the Inner City Law Center in Los Angeles recommended that the program develop a system for tracking all of the paperwork instead of relying on the volunteers to track necessary filing requirements.

Lesson #8: Rule Limitations Should Not Be a Barrier

Emeritus rules that include all retired and inactive attorneys remove barriers to volunteering. Some emeritus rules focus on age and or number of years of practice to qualify an attorney for emeritus status¹⁵. The initial concept of an emeritus rule was to offer emeritus status as an incentive for retired attorneys to volunteer. In practice many younger attorneys are not actively practicing law and may be willing to volunteer for pro bono service. A broader pool of potential volunteers can be created by including all attorneys who are not actively practicing law. This includes attorneys who are retired, attorneys who out of the active workforce serving as family caregivers, attorneys who have chosen work that is not deemed to be the active practice of law. Drafting rules to broaden the pool of potential volunteers can greatly enhance the ability to attract

volunteers. There are two desirable benefits for inactive attorneys -- volunteering allows them to give back to their community, and it helps them to maintain their knowledge and skills.

The Texas Lawyers Care project shows an instance in which a restrictive rule served as an impediment in recruiting interested emeritus attorneys. The Texas rule required that an attorney have been active for five of the past ten years. Of the attorneys who responded to the TLC recruitment, five were ineligible even though they were accomplished lawyers. For instance, one practiced law and then turned to legal teaching for seven years before seeking to volunteer; while another left her practice at childbirth and would have liked to contribute her legal expertise. TLC found that the “five of ten” rule “is a poor proxy for competent representation,” and that active supervision and tracking is a better approach. TLC was developing proposals to modify the rule to open the door for additional recruitment. Inner City Law Center reported that some attorneys seemed reluctant to undertake complex work, because they had not actively practiced law for several years. ICLC also commented on the importance of bridging the digital divide for attorneys who are not up to date on the latest technology.

Lesson # 9: Supporting the Volunteers Is Essential for Success

Emeritus volunteers by definition are not actively involved in the practice of law and are likely to benefit from more support than other pro bono volunteers. Offering training, document templates, access to research services, coaching and mentoring will help inactive attorneys feel more confident and make it easier for them to help clients. The aim should be to support the volunteer, without being overbearing. The level of support needed will vary depending on the kind of experience the volunteer has and how recent the experience is. Volunteer support is required in very few rules,¹⁶ but should be designed into every emeritus program.

Programs report that retired and inactive attorneys need technical and social support. Increasingly the practice of law is a technology intense practice. The Inner City Law Center commented helping volunteers that are not current with the latest practice management tools. With rapidly changing technology, any attorney who has not been actively involved in an up-to-date office may need assistance with the latest technology.

ICLC also commented on the need of programs to address the social needs of retired and inactive attorneys. Understanding each volunteer’s motivation for volunteering will help to shape social interactions to satisfy the volunteer. Emeritus volunteers may be looking for interaction with clients, or they may be looking for interaction with other attorneys. If the project understands and fills the needs of the emeritus volunteers, the volunteers will be more productive and more likely to stay with the program long term.

A final aspect of support is guidance in the process of becoming certified as an emeritus attorney. Both the Legal Aid of West Virginia and the Texas Lawyers Care guardianship projects developed guides for attorneys to walk them through the certification process.

A prime example of support for emeritus attorneys is the mentoring relationship developed by the Texas Lawyers Care project. TLC recruited two sets of lawyers – supervising attorneys who were adept at guardianship law, and emeritus attorneys with

little experience in the guardianship area. The partnerships “allowed the experienced active attorneys to leverage their expertise into greater pro bono contributions – as every hour contributed by the supervising attorney facilitated many more hours of pro bono contributions by emeritus attorneys.

Lesson #10: Maximize Outreach to Emeritus Attorneys

The most common comment from emeritus attorney programs is the challenge of identifying and reaching out to attorneys eligible for emeritus practice. Many programs encountered frustration in trying to obtain contact information on attorneys who are eligible under the rule. In addition to creating provisions allowing emeritus practice, states need to develop outreach mechanisms to assist in informing eligible attorneys about volunteer opportunities. Adding an emeritus status eligible category into attorney licensing and registration materials and being able to produce low-cost email outreach to the eligible attorney group would dramatically expand outreach and likely increase the number of volunteers.

The ABA projects used a host of techniques to reach eligible or potentially eligible emeritus attorneys. In several cases the state bar provided mailing labels for eligible attorneys. In the Texas Lawyers Care Project, a direct mailing to active and inactive lawyers of a recruitment letter with a detachable interest card (with prepaid postage) proved fruitful (see Appendices). Other ideas included:

- A “bar blast” email in West Virginia;
- A letter from the State Bar President in West Virginia (see Appendix below);
- An announcement on the legal aid Web site in San Mateo;
- Sending descriptions of cases to pro bono coordinators in law firms in San Mateo;
- Working with bar association committees with a special interest in the topic in San Mateo and in Utah;
- A blurb in the state bar journal in Utah (see Appendix below); and
- Programming with major national speakers such as Dr. Jill Biden in Delaware.

Lesson #11: Partner with Other Assistance Organizations

Getting the emeritus attorneys is half the battle. The other half is attracting the cases. While the need may be compelling, identifying cases and directing them to the emeritus project may be a challenge. Partnering the organizations or entities that regularly encounter clients in need is critical to success. For instance, in San Mateo, the project worked through a Caregivers Network that included low-income families that might need to petition for guardianship. The Utah Legal Services project sought to reach out to the Office of Public Guardian and the State Court Self-Help Center, both of which might refer appropriate clients. Many of the veterans programs were based in legal aid or clinical programs focused on helping veterans or the homeless. Others conducted focused community based walk in clinics. Delaware partnered with a law school clinic and received referrals from legislative staff.

Notes

1. David Godfrey, senior attorney to the American Bar Association Commission on Law and Aging, specializes in substantive information, outreach, and legal service delivery programming. He can be reached at godfreyd@staff.abanet.org.
2. Erica Wood is Assistant Director of the American Bar Association Commission on Law and Aging.
3. District of Columbia, New Hampshire & Wisconsin. See chart in Appendices below.
4. 45 CFR Ch. XVI Section 1611.3
5. Older American's Act Title IIIB (45 CFR 1321.17 (f)(3)) Though a preference is given for those with the greatest social and economic needs, services must be provided without application of a needs test.
6. 45 CFR Ch. XVI Section 1620.1
7. Id
8. Priorities do change, but the process is complex if done properly.
9. http://www.abanet.org/cle/mandatory.html?gnav=global_cle_mcleinformation
10. Illinois must agree to participate in training by emeritus attorney program sponsor; Montana requires 10 hours annually, Washington requires a one time orientation training,
11. Arizona, Delaware, (Georgia waives at 70,) Illinois, Nevada waives for all inactive or retired members, New Hampshire, North Carolina, Oregon, South Carolina, Texas, Washington, Wisconsin and West Virginia.
12. "State Emeritus Pro Bono Practice Rules" 2009, <http://www.abanet.org/legalservices/probono/emeritus.html>
13. Id
14. Holly Robinson, ABA Commission on Law and Aging, Survey of Emeritus Attorney Programs, 2006.
15. "State Emeritus Pro Bono Practice Rules" 2009, <http://www.abanet.org/legalservices/probono/emeritus.html>
16. Id
17. Russell Engler, *From the Margins to the Core: Integrating Public Service Legal Work into the Mainstream of Legal Education*, 40 NEW ENG. L. REV. 479, 484 (Winter 2006) (citing *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans, A Report of the Legal Services Corporation* (September 2005)).
18. Robert Granfeld and Lynn Mather, *Pro Bono, the Public Good, and the Legal Profession*, in PRIVATE LAWYERS AND THE PUBLIC INTEREST: THE EVOLVING ROLE OF PRO BONO IN THE LEGAL PROFESSION, at p. 7 (Oxford University Press 2009)
19. 36-SEP Colo. Law. 75 (Sept. 2007).
20. Kenneth G. Dau-Schmidt, Esther F. Lardent, Reena Glazer, Kellen Ressmeyer, "Old and Making Hay": *The Results of the Pro Bono Institute Firm Survey on the Viability of a "Second Acts" Program to Transition Attorneys to Retirement Through Pro Bono*, 7 CARDOZO PUB. L. POL'Y & ETHICS J. 321, 324 (2009).
21. Francesca Jarosz, *Shining in the Golden Years*, 16-JUN BUS. L. TODAY 61 (May/June 2007)
22. ABA Standing Committee on Pro Bono and Public Service, *Supporting Justice II: A Report on the Pro Bono Work of America's Lawyers* (February 2009)
23. Deborah Maranville, *Infusing Passion and Context Into the Traditional Law Curriculum Through Experiential Learning*, 51 J. LEGAL ED. 51, 55 (2001).
24. Deborah Rhode, *Foreword: Personal Satisfaction in Professional Practice*, 58 SYRACUSE L. REV. 217, 223 (2008).
25. Carnegie Report, at 135.
26. Anne Colby & William Sullivan, *Formation of Professionalism and Purpose: Perspectives from the Preparation for the Professions Program*, 5 U. ST. THOMAS L. J. 404, 426 (2008) ("Collaboration between professional schools and the organized practitioner community is a potentially powerful asset for reclaiming the formative mission of preparing future professionals.").

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State Emeritus Pro Bono Practice Rules

Updated September 7, 2010

American Bar Association
Commission on Law and Aging
David Godfrey
Senior Attorney
godfreyd@staff.abanet.org

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 30 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

The ABA Commission on Law and Aging has published a brochure designed to help states successfully recruit emeritus pro bono attorneys to provide critically needed legal services to vulnerable seniors and low- and moderate-income individuals who are now facing their legal problems on their own. The brochure is titled "No Longer on Their Own: Using Emeritus Attorney Pro Bono Programs to Meet Unmet Civil Legal Needs. You can download the PDF as a pdf online at http://www.abanet.org/aging/docs/V2_pro_bono_emeritus_brochure_3-5.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	Disclosure of existence	Krista Scully Pro Bono Coordinator Alaska Bar Association 907-272-7469 scullyk@alaskabar.org
Arizona (1987) Supreme Court Rule 39. Emeritus Attorneys Pro Bono Participation Program	No	10 of last 15	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	No mention	No Must work under the auspices of a non-profit legal aid or pro bono program. Does not require	no	No mention	Kathleen M. Schoen Director Local Bar Relations & Access to Justice Colorado Bar Association 303-824-5305 kschoen@cobar.org

							approval of program by Bar.			
Delaware (1987/2003) Supreme Court Rule 69 www.delaware.gov/rules Supreme Court Rule 69	No	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.dcappeals.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	Tracy Brim Pro Bono Programs Florida State Bar 850-561-5622 tbrim@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 223 www2.state.id.us/isb Bar Rule 223 http://isb.idaho.gov/general/rules/ibcr.html	No	10 of last 15	Retired or not engaged in the active practice of law	Yes	Reduced	No	Yes	Yes	LS must disclose existence and extent of coverage	Diane Minnich Executive Director Idaho State Bar 208-334-4500 dminnich@isb.idaho.gov

Illinois (2008) Supreme Court Rule 756 https://www.iardc.org/rules/SC_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	Dina Merrell Associate Director The Chicago Bar Foundation 312-554-1206 dmerrell@chicagobar.org
Maine (2/1/2005) Bar Rule 6(d) www.courts.state.me.us/rules/Bar Rule 6 (d)	No	No	Inactive (filed notice to discontinue the practice of law)	No	Reduced	No	Yes	No	Not mentioned	Jackie Rogers Administrative 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&fn=main-h.htm&cp= http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=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) www.mass.gov/courts/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
Mississippi (2007) Mississippi Rules of Appellate Procedure Rule 46 (f) http://www.msra.org/rules_of_appellate_procedure.pdf	No	No	Inactive or License d 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)	No	10 of	Retired	No	Yes	10 hours	Yes	No	Not	Janice Doggett

Bar Rule Art. 1, §3 www.montanabar.org Bar Rule 3 (g)		last 15	or inactive and must complete 25 hours of pro bono per year				25 hour minimum per year		mentioned	Equal Justice Coordinator State Bar of Montana 406-442-7660 j.doggett@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 Profess ors	Yes	Based on inactiv e status	Yes Waived for inactive and retired members (214)	Yes	No	Disclosure if they have coverage	Kristina Marzec Director 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 otherwis e engaged in the practice of law	No	Reduc ed 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 in state license 3 years for out of state	Inactive in state Active or inactive if licensed in another state	Yes	Reduc ed	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)	55*	10*	Retired	No	Yes	Yes – any*	Volunteer	Yes	Provided	Fern Schair,

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.			Commit to minimum 30 hours per year of pro bono			necessary training to be provided by sponsor without charge	lawyers program on the Court System			chair of the Attorney Emeritus Advisory Board, SCHAIR@law.fordham.edu
North Carolina (2007) SESSION LAW 2007-200 HOUSE BILL 1487	No	No	Inactive	Yes	Yes	Yes	Yes	Yes	No Mention	Tom Lunsford Executive Director North Carolina State Bar 919-828-4620 tlunsford@ncbar.com
North Dakota (2009) Supreme Court Rule 3.10	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
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@scbar.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@sdbar.net
Tennessee (2010) Supreme Court Rule 50A	No	5 out of last	Inactive	Yes	Yes	No	Yes	Yes	Existence and extent	Sarah Hayman Access to Justice/Public Education

		10								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) Code Ch 16 Bar Rules www.utcourts.gov/resources 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	Reduced for retired Not waived for inactive	Yes	Yes	Yes	Not mentioned	Utah State Bar Licensing department (801) 297-7020 licensing@utahbar.org
Virginia (2004) Supreme Court Rule 6:4-3 www.vsb.org Supreme Court Rule 6:4-3	No	10 of last 15	Retired	No	Yes	no	Yes	Yes	Not mentioned	Maureen Petrini Pro Bono Coordinator Virginia State Bar 804-775-0522 petrini@vsb.org
Washington (1998) Court Rule 8(e) www.wsba.org Court Rule 8 (e)	No	5 of last 10 is Lic in WA; 10 of 15 if out-of-state	Retired from the practice of law	Yes	Reduced	yes. One-time orientation training required	Yes	No	Not mentioned	Sharlene Steele Access to Justice Programs Liaison Washington State Bar Association sharlene@wsba.org 206-727-8282
West Virginia (2006) Bar Rule Article II §11 www.state.wv.us/wvsca Bar Rule Article II § 11	No	10	Retired Or Inactive	Yes	Yes	Yes	Yes	Yes	Not mentioned	Rory Perry Clerk West Virginia Court of Appeals 304-558-2601

Wisconsin (?) Membership status and dues http://www.wisbar.org/AM/Template.cfm?Section=Membership_Status_Options&Template=/CM/ContentDisplay.cfm&Contentid=38207#memstatopt	70	n/a	Age only	No	Reduced (\$16 in 2009)	Yes	No	No	Not mentioned	State Bar of Wisconsin, P.O. Box 7158, Madison WI 53707-7158. (800) 728-7788.

ABA / NLADA 2010 Equal Justice Conference Outline

WSR 059

Emeritus Pro Bono Practice Programs: Lessons Learned

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Brief Description:

Retired and inactive attorneys provide a vast pool of potential pro bono volunteers. We will examine lessons learned in rule and program development in the 32 jurisdictions that currently have emeritus rules. We will explore ways to effectively utilize experienced attorneys whose experience may have little relevance to public interest law. The program will also look at ways to recruit Emeritus Attorneys, to realistically describe the nature of the work, and to overcome gaps in knowledge of both substantive law and technology. We will the role of both rule development and program development in emeritus program success.

Topical Outline:

- I. Why be concerned about Emeritus Status Attorneys
 - a. The need for pro bono service
 - i. Why use pro bono services for a particular delivery model
 - ii. Unmet Legal Needs

(1) “Legal needs studies have consistently shown that anywhere from seventy to ninety percent of legal needs of the poor go unaddressed in America.”^{xvii}

(2) LSC’s 2005 survey (updated in 2007), *Documenting the Justice Gap in America*, found that for every client seeking legal assistance from an LSC-funded program, at least one client seeking assistance was turned away due to a lack of organizational resources sufficient to assist.

(3) The current financial crisis and recession have increased the need for legal services. “Problems of housing, employment, credit, and family stress have all escalated at the same time that funding for legal aid has plummeted as a result of the reduced interest rate.”^{xviii}

b. The supply of talent

1. “The ABA estimates that, nationally, 40,000 lawyers will retire, consider retiring, or significantly alter their work environment each year over the next several years.”^{xix}
2. “Surveys cited by the National Law Journal and the New York Times estimate that by 2011, nearly one quarter of the nation’s one million attorneys will be sixty-five or older.”^{xx}
3. “Merrill Lynch’s New Retirement Survey, released in February 2005, suggests the average baby boomer will retire around 64 and start doing something new.”^{xxi}
4. ABA surveys have found that older attorneys are more likely to do pro bono work than younger attorneys.^{xxii}

c. Lifetimes of dedication to the profession

II. Defining Emeritus Status

- a. The rule defines who can participate
- b. 32 rules –
- c. Formal emeritus attorney programs v. special bar membership status
 1. Some states, like Alaska, Arizona, California, have adopted rules that create formal emeritus attorney pro bono participation programs and specify in great detail the circumstances under which a retired or inactive lawyer may practice for the limited purpose of providing pro bono representation.
 2. Other states, like Georgia, Idaho, Massachusetts, have adopted rules that simply create a separate bar membership category for emeritus attorneys, in addition to the usual categories for active and inactive attorneys.
 - (a) The rules creating a membership category for emeritus attorneys tend to be more general and not go into as much detail about what the emeritus attorney can and cannot do.
- d. Retired v. inactive attorneys

1. Some states, like Georgia and Virginia, limit their emeritus programs to retired attorneys
 2. Other states, like Alaska and Arizona, open their emeritus programs to both retired and inactive attorneys
 3. This is a policy decision, but we would recommend making the emeritus program open to both retired and inactive attorneys, in order to maximize the pool of potential volunteers
 4. Opening the program to inactive attorneys also encourages participation from attorneys who are stay-at-home parents and have taken a break from paid work but want to keep their skills sharp and avoid résumé gaps.
- e. Years of service (“5 of 10” rules)
1. Many states have minimum years-of-practice requirements for participation in the emeritus program
 - (1) Texas: “Has been engaged in the active practice of law for a minimum of five out of the ten years immediately preceding the application to participate in the emeritus program;”
 - (2) Arizona, Florida: “Has been engaged in the active practice of law for a minimum of ten out of the fifteen years immediately preceding the application to participate in the emeritus program;”
 2. Our recommendation: have a minimum practice requirement, but not one that is too long, in order to maximize the pool of potential volunteers.
- f. Age
1. Some states, like Georgia, have an age requirement for participation in their emeritus program.
Georgia: “Any member in good standing of the State Bar of Georgia who shall have attained the age of 70 years and who shall have been admitted to the practice of law in the State of Georgia for 25 years.”
 2. Other states set no minimum age.
 3. Would recommend not setting minimum age; is restrictive and limits the pool of potential volunteers.
- g. Exclusively pro bono practice

III. Using the rule to encourage pro bono

- a. Reduced or waived fees
1. Some states, like California and West Virginia, waive annual licensing and registration fees for emeritus pro bono attorneys.
 2. Other states, like Hawaii and Washington, reduce annual registration fees to the amount paid by inactive attorneys.
 3. Cost of annual license/registration fee is barrier to emeritus participation.

4. Would recommend waiver or at least a reduction of fee to create incentive for participation.
- b. CLE (Waiver, Reduction, Provision, Free from legal services providers or commercial providers)
1. Some states, like California and New Mexico, mandate that emeritus attorneys must meet CLE requirements.
 2. Other states, like Arizona and West Virginia, waive CLE requirements for emeritus attorneys.
 3. Other states do not address CLE in their emeritus attorney rules.
 4. Would recommend requiring emeritus attorneys to meet CLE obligations, but let them attend CLEs sponsored by state bar associations for free.
- c. Recognition
- d. In state / out of state
1. Some states, like Alaska and Hawaii, permit only attorneys licensed in that state to participate in the emeritus program.
 2. Other states, like Arizona and Florida, permit attorneys licensed in other states to participate in their emeritus programs if certain requirements are met (in good standing, no disciplinary actions, etc.)
 3. Would recommend opening emeritus program to both in-state and out-of-state attorneys in order to maximize pool of potential volunteers.
- e. Other special treatment
- IV. Challenges
- a. Rule development
 - b. Perceptions of competition
 - c. Training
- d. Supervision/Association with Legal Services Organization (restrictions on LSC-funded entities)
1. Many of the emeritus pro bono rules require the volunteer attorney to associate with and be supervised in some fashion by a qualified legal services organization.
 2. However, legal aid providers funded by the LSC are subject to many restrictions:
 - (a) prohibitions on filing or participating in class actions; engaging in welfare reform advocacy and lobbying; representing prisoners and certain aliens and public housing residents.

- (b) also can't seek attorneys' fees that otherwise would be authorized by statute.
3. Presumably, these restrictions apply to emeritus attorneys volunteering with and working under the supervision of LSC-funded entities.
 4. These restrictions raise questions about whether a state should require emeritus attorneys to associate with legal services organizations, since such association could limit the types of cases the emeritus attorney could undertake.
- e. Malpractice insurance
1. Several states, like Nevada, North Dakota, mandate that the LSO the emeritus attorney associates with have malpractice insurance that will cover the attorney.
 2. Other states, like South Carolina, do not specifically address malpractice insurance for the emeritus attorney.
 3. We would recommend that emeritus programs address the issue of malpractice insurance and, for purposes of client protection, mandate that the emeritus attorney have some form of malpractice insurance.
- f. Filing and certification requirements
1. Most states require the attorney to file an application or statement to participate in an emeritus program or take an emeritus licensing status.
 2. In addition to the attorney's application, some states also require the LSO the attorney associates with to file a petition or certification.
 3. The question here is the administrative burden of these filings and who is going to receive and process them—the state's highest court, its state bar association, or some other entity.
- g. Past/current disciplinary records of volunteer attorneys
1. Most states address the issue of the emeritus attorney's disciplinary record in their emeritus rule.
 2. Several state rules say that the attorney cannot have been sanctioned within the past 15 years (e.g., Alaska, Arizona).
 3. Other rules limit this time period to 10 years (e.g., Nevada) or 5 years (e.g., California, New Mexico).
 4. For client protection, we recommend that the rule address the disciplinary record of the emeritus attorney.

5. However, most of the state rules are very broad and say the attorney cannot have been the subject of any disciplinary actions; they do not address the severity of the infraction or sanction.
 6. An option to consider might be to address the degree of the infraction and specify that only serious violations would prevent the emeritus attorney from taking cases. (*i.e.*, violations that resulted in suspension or disbarment, but not sanctions such as a reprimand or letter of caution that did not prevent the attorney from continuing to practice.)
- h. Minimum hours requirement/tracking pro bono hours
1. “If you don’t measure it, you don’t value it.”
 2. Only two states—California and Maine—set a minimum hours requirement for emeritus pro bono attorneys.
 - (a) California requires the attorney to agree to provide a minimum number of hours; the recommended minimum is 100 hours.
 - (b) Maine requires the attorney to annually complete 25 hours of pro bono service to retain emeritus status.
 3. New Hampshire—“encourages” members with pro bono status to complete a minimum of 40 hours per year, but does not require it.
 4. Oregon requires members on pro bono status to report annually the number of pro bono hours provided, but does not require a minimum number of hours.
 5. At very least, we recommend that states track the number of hours that pro bono attorneys contribute to evaluate the impact of these programs and rule provisions.
- i. Tracking number of pro bono attorneys
1. None of the emeritus programs or rule provisions specifically requires tracking and publication of the number of attorneys who participate in the pro bono programs or take the pro bono licensing status.
 2. We recommend that states track the number of attorneys who participate in pro bono programs or take pro bono licensing status to measure and evaluate the impact and effectiveness of these programs.
- j. Renewal/termination of emeritus status
1. Most states have a process for termination of the emeritus attorney’s privilege to provide pro bono representation.
 - (a) In some states, the privilege or licensing status lasts for only one year and must be renewed annually.

(b) In other states, the privilege ends if the attorney ceases his or her association with the legal services provider.

(c) Some state rules also provide that the state supreme court may terminate the privilege if the attorney violates any of the rule provisions.

2. We recommend that the rule have some provision addressing the termination of emeritus status.

- k. Office space/support staff
- l. Professionalism: High volume vs. billable hours
- m. Technology
- n. Generational/cultural differences
- o. Supervision by much younger attorneys
- p. Scheduling: full-time, part-time, vacations
- q. Legal services provider's commitment and expectations—making the program worthwhile
- r. Emeritus attorney/pro bono attorney's expectations

V. Recruiting tools and techniques

- a. health and professional benefits to volunteer lawyers
 1. Benefits to Senior, Retired Lawyers
 - (a) studies show that volunteering has significant positive health effects, “ranging from decreasing depression to alleviating headaches and back pain to increasing longevity.”^{xxiii}
 - (b) volunteer work is correlated with greater satisfaction; “[p]eople are happiest when they feel they are being effective, exercising strengths and virtues, meeting life’s challenges, and contributing to socially valued ends that bring meaning and purpose.”^{xxiv}
 2. Benefits to Inactive Lawyers
 - (a) emeritus pro bono programs permit lawyers who are not retired but who have taken a break from practice (*e.g.*, stay-at-home parents) to maintain their practice skills.
 - (b) allows inactive lawyers to avoid résumé gaps
- b. marketing efforts of state bar associations, local and specialty bar associations, and access to justice commissions
- c. promote and screen carefully—will this be a good match?
- d. “Feel good” vs. complicated legal work
- e. work with other programs to make appropriate referrals to other opportunities

VI. Success stories and other results

- a. results of Holly Robinson’s 2006 survey
- b. the California experience

- VII. Next Steps in Emeritus Development
- a. Will the baby boomers volunteer?
 - b. What can we do to build a culture of pro bono?
 - c. What can we do to increase emeritus attorney work?
 - d. Law school partnerships
 1. Research indicates that, for students “to incorporate the profession’s ethical-social values into their own, they need to encounter appealing representations of professional ideals” and “connect in a powerful way with engaging models of ethical commitment within the profession.”^{xxv}
 2. Law students also benefit from working with practicing lawyers who can serve as mentors to them and teach them professional ideals and values.^{xxvi}
 3. Emeritus attorneys have an opportunity to serve as these role models and mentors by volunteering to supervise students in law school legal clinics that provide pro bono representation.
 4. Several of the state emeritus rules are not clear on whether law school legal clinics qualify as a legal services provider that an emeritus attorney can associate with to provide pro bono representation; rules need to be clarified or changed to permit this.

The Enterprise Fund mini-grant recipients were asked to submit examples of program flyers, recruitment materials, case referral and intake forms and program evaluations.



Are you a Veteran with a service-connected disability?

**If you have questions about:
An application for VA benefits
A disability ratings upgrade
Any other questions related to your VA service-connected
benefits**

Come meet with an attorney to discuss your questions:

Date: Friday, April 16, 2010

Time: 6:00 pm—8:00 pm

**Shepherd's Table
8210A Colonial Lane
Silver Spring, Maryland 20910**

Sponsored by:
Homeless Persons Representation Project

For questions contact:

Danielle Cover at 410-685-6589, ext 14 or hprprobono@hprplaw.org

HPRP Client Intake Form-Veterans Benefits

Name _____ **Intake Date** ____/____/____
Last First Middle

DOB ____/____/____ **SSN** ____-____-____

Address _____ **Mailing Address** _____

Phone _____ **Alternate Phone** _____

EMAIL: _____

Race (Circle): White African American Hispanic Asian Other _____

Marital Status (Circle): Single Divorced Separated Widowed Married

Gender (Circle): Male Female

Minor Children Living in Household: _____

Gender & Age of each minor child _____

Assets (Circle): Yes No **Asset Amounts** \$ _____

Income: \$ _____ monthly weekly 2 weeks

Income Source(Circle): TCA/welfare SSI SSDI TDAP Employment

VA Benefits Unemployment benefits Social Security Child Support

Alimony Pension Other: _____

Food Stamps(Circle): Yes No Amount \$_____/month

Medical Assistance Adults: Yes No **Medical Assistance Kids:** Yes No

If you received TDAP, SSI, SSDI, or VA benefits, **What is your disability** (Circle):

Mental Disability Physical Disability Developmental Disability

Current Housing Situation (Circle): Homeless/Streets Emergency Shelter Friends/Family

Transitional Housing Public Housing Section 8 Shelter Plus Care Private Rental

Rental Allowance Program (RAP) Group Home Single Room Occupancy (SRO)

Other Federal Subsidized Other: _____

Rent Paid: \$_____/monthly

Other Notes: _____

Interviewer: _____ **Site:** _____ **Time Spent:** _____

Client Affidavit: I hereby affirm under penalties of perjury, that the information I have provided HPRP on the above intake form is true and correct to the best of my knowledge, information, and belief.

Client's signature

Date

**Recognition of
Delaware Bar Members who have
Served in the Military
and
Inaugural Kickoff of the Veterans Committee
of the Delaware State Bar Association**

Monday, November 9, 2009
Delaware Air National Guard Headquarters Building, Loeffel Room
2600 Spruance Drive, New Castle, DE 19720

Program

CLE Program:

Lawyers on the Front and on the Homefront

3:30 p.m. - 4:30 p.m.

CLE Keynote Speaker

Colonel John Ewers, U. S. Marine Corps

Colonel Ewers will provide an overview of the Military Justice system, including judicial, trial, and prosecutorial aspects unique to that system. The presentation will also include some observations on how the administration of justice within the military has operated under the closer scrutiny it has recently received.

4:30 p.m. - 5:00 p.m.

Panel Discussion

Robert Craig Martin, Esquire, Moderator
Edwards Angell Palmer & Dodge LLP

Thomas V. McDonough, Esquire
Delaware Volunteer Legal Services, Inc.

Legal issues facing veterans on the homefront and what civilian lawyers can do to help.

This program is made possible in part by a grant from the American Bar Association Commission on Aging and its Enterprise Fund.

5:00 p.m. - 5:30 p.m.

Recognition Ceremony

Recognition of DSBA Members who have
Served in the Armed Forces

Remarks by

Dr. Jill Biden

5:30 p.m. - 6:00 p.m.

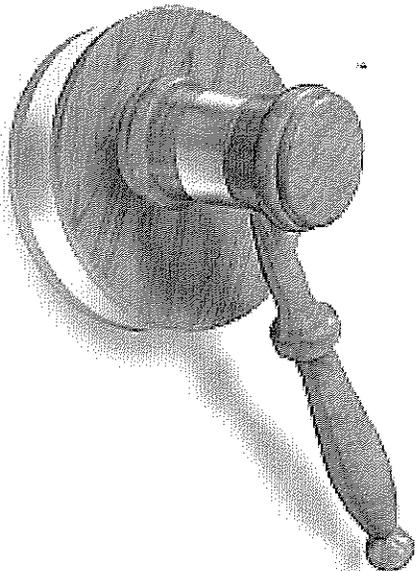
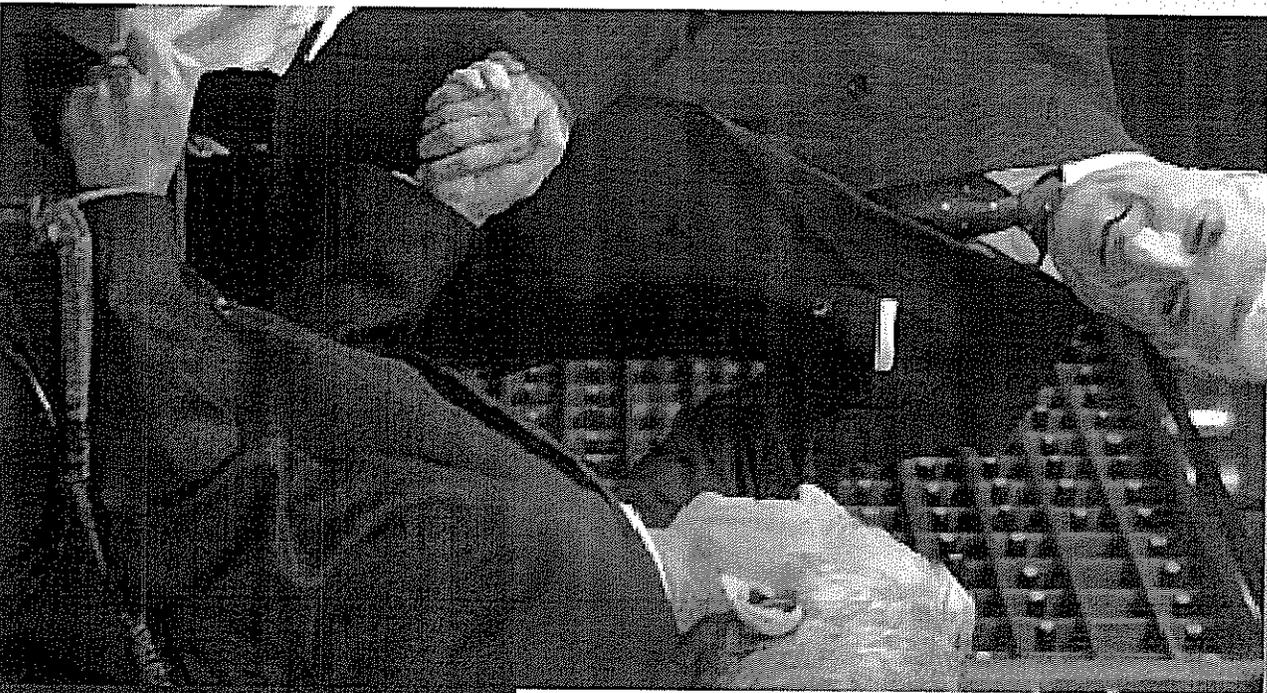
Reception

The assistance of the Board Members of Delaware Boots on the Ground in coordinating this reception is gratefully acknowledged.



Delaware State Bar Association
301 N. Market St.
Wilmington, Delaware 19801

*Follow your
conscience
and go for it.*



LEGAL
AID of
West Virginia



The West Virginia Emeritus Attorney Pro Bono
Indigent Guardianship Project is supported by a grant from the
2009 American Bar Association Enterprise Fund

Contact the West Virginia Emeritus Attorney
Pro Bono Indigent Guardianship Project

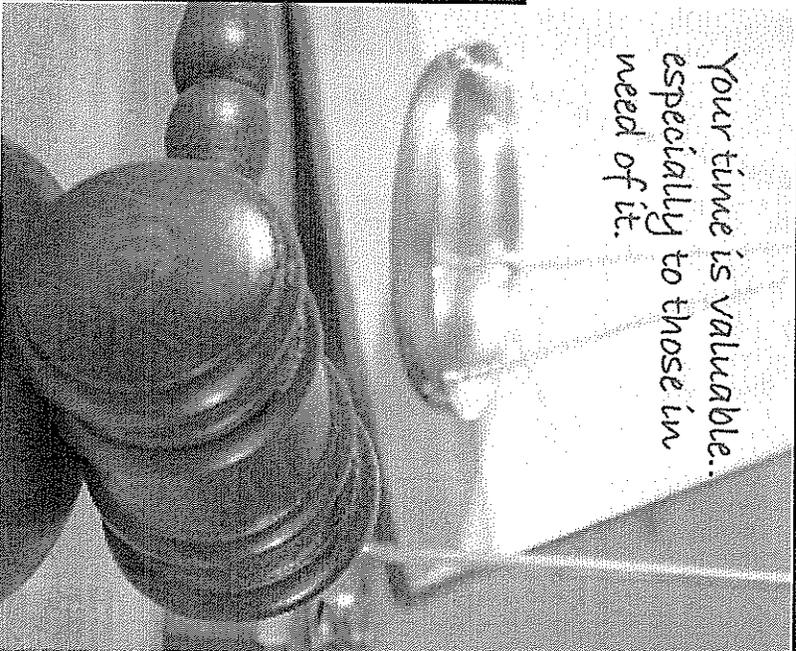
Catherine Eckley
Pro Bono Supervising Attorney
Legal Aid of West Virginia
922 Quarrier Street, 4th Floor
Charleston, WV 25301
304.343.3013, Ext. 2163
www.lawv.net



**West Virginia
Emeritus Attorney**

**Pro Bono Indigent
Guardianship Project**

*Your time is valuable...
especially to those in
need of it.*



An invitation to you

Are you a retired attorney looking for an opportunity to donate your legal skills?

Are you an attorney looking to cut back from the full-time practice of law and want to find a valuable volunteer opportunity to help your community?

The Supreme Court of Appeals of West Virginia, the West Virginia State Bar, and Legal Aid of West Virginia invite you to participate in the Pro Bono Indigent Guardianship Project.

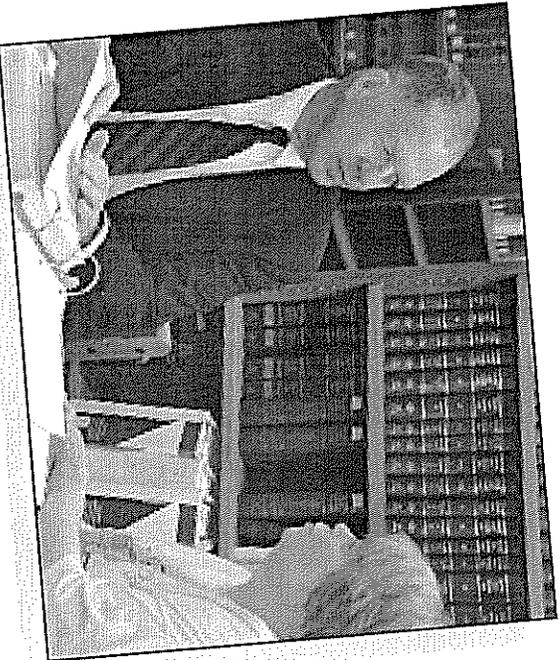
Legal Aid of West Virginia is partnering with the state Bench and Bar to train Pro Bono Emeritus Attorneys under the newly amended Guardianship and Conservatorship statutes. Pro Bono Emeritus Attorneys may offer legal expertise to low and moderate-income West Virginians from conveniently-located Legal Aid of West Virginia offices. Legal Aid of West Virginia invites you to join its comprehensive, statewide delivery service as a Pro Bono Emeritus Attorney!

Since 2005, eligible lawyers have become certified under the West Virginia State Bar's Emeritus Attorney's Pro Bono Participation Program. The combination of the Emeritus Attorney Program with the Indigent Guardianship Project presents an exciting new opportunity to continue the practice of law at a slower pace while serving West Virginia's most vulnerable citizens with invaluable legal counsel.

The Pro Bono Indigent Guardianship Project will equip you to serve those who have been judicially determined to need protection and the decision making help of a guardian or conservator. Sign up for certification as an Emeritus Attorney, and learn how you can volunteer for the Pro Bono Indigent Guardianship Project!

How to Become a Certified Emeritus Attorney

- Contact your local Legal Aid of West Virginia office to discuss your eligibility and register for training;
- Attend a one-day CLE offered by the West Virginia State Bar;
- Request association with Legal Aid of West Virginia;
- Volunteer for the Pro Bono Indigent Guardianship Project!



John Lukens, a retired corporate attorney from Charleston, WV, actively volunteers as an Emeritus Attorney for Legal Aid of West Virginia.

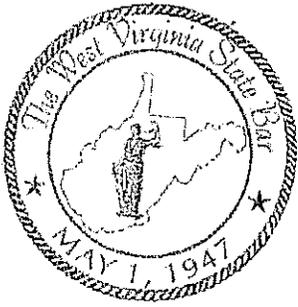
Become part of a movement

As a volunteer attorney you will make a meaningful difference, assisting senior and low income clients navigate a complex social and legal system.

Join your colleagues as a Pro Bono Emeritus Attorney in serving their communities through the Pro Bono Indigent Guardianship Project.

John Lukens, a retired corporate attorney from Charleston, WV, concluded his post-retirement article on the serving as an Emeritus Attorney in the WV Lawyer (Sept/Oct 2007) with the following:

"... Don't hold back because you were a specialist in areas of law different from what you might be tempted to volunteer to do... For once, forget about money and follow your conscience. Organizations like Legal Aid do marvelous work; work without which our society could not function. These are not lawyers who represent poor people because they couldn't make it at the big firms... What they have are ideals. They inspire me. I am not bored anymore."



THE WEST VIRGINIA STATE BAR

2006 Kanawha Blvd. East • Charleston, WV 25311
304.558.2456 • 866.989.8227 • www.wvbar.org

President
Letitia Neese Chafin

President-Elect
Gary W. Nickerson

Vice President
James C. Wright

Executive Director
Anita R. Casey

August 2, 2010

«Hon» «First_Name» «MI» «Last_Name», «Title»
«Law_Office»
«Street»
«City», «State» «Zip_Code»

Dear «Hon» «Last_Name»:

Now more than ever, in these challenging economic times, West Virginians need your knowledge and legal experience. As a member of the West Virginia State Bar, you may be familiar with the state Emeritus Attorneys' Pro Bono Participation Program, which is now going into its fifth year of existence. Program participants referred by Legal Aid of West Virginia are certified as Emeritus Attorneys after a short (free) training, and then begin volunteer work serving low-income and vulnerable clients in state Legal Aid offices that are convenient to attorneys' homes and practices.

As a result of funding provided by the American Bar Association (ABA) Enterprise Fund, you now have the opportunity to participate in this program in a new, challenging and exciting way. Last year, the ABA gave West Virginia a small grant to create Guardianship Projects for indigent petitioners and protected persons using Emeritus Attorneys. (The project is further explained in the enclosed brochure.) Certification and participation in the program offers a once-in-a-lifetime opportunity to give back to your honorable profession while providing valuable legal assistance to low income West Virginians who need your help.

Your participation will add a new certification to your law license and resume, will require one (free) training session, and will result in opportunities for you to serve your community by volunteering your time and legal expertise. Please consider joining your colleague Mr. John R. Lukens, Esq., of Charleston, who has spearheaded the movement towards a volunteer workforce of Emeritus Attorneys in West Virginia. Please contact Catherine Eckley, the Pro Bono Supervising Attorney for Legal Aid of West Virginia at (304) 343-3013, ext. 2167 for more information, to apply for certification and to get started!

Sincerely,

Letitia Neese Chafin
State Bar President

You can apply to the State Bar of California's Pro Bono Practice Program and we can tell you what you will need to provide.

FOR MORE INFORMATION CONTACT:

The Legal Aid Society of San Mateo County Pro Bono Conservatorship Project:

www.legalaidsmc.org
Click on: Pro Bono

State Bar of California
Pro Bono Practice Program
www.calbar.ca.gov
Michael Dayao:
Michael.dayao@calbar.ca.gov

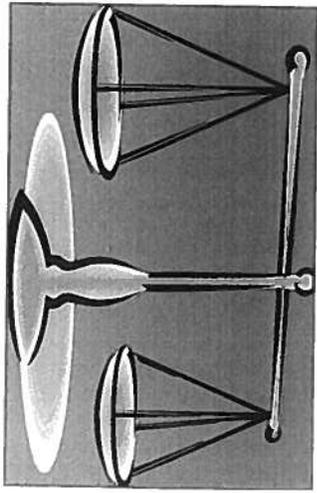
This project has been made possible through the 2009 ABA Enterprise Fund Emeritus Attorney Pro Bono Indigent Guardianship Project.

Legal Aid Society of San Mateo County
The Natalie Lanam Justice Center
521 East 5th Avenue
San Mateo, CA 94402

LEGAL AID SOCIETY
OF SAN MATEO COUNTY
CELEBRATING 50 YEARS

PRO BONO CONSERVATORSHIP PROJECT

Are you looking for a way to give back to the community?



Contact:
Janet B. Seldon
Director of Pro Bono
jbseldon@legalaidsmc.org
(650) 645-1712

ARE YOU ON INACTIVE STATUS OR CONSIDERING INACTIVE STATUS FROM THE PRACTICE OF LAW?

Use your legal skills to represent low-income clients who need to obtain conservatorship over someone they love and are caring for.

We are particularly looking for attorneys who have experience representing clients in probate court.

If you do not have recent experience in probate court we provide training and mentoring.

Low-income clients in San Mateo County have no place else to go for legal assistance in filing a petition for conservatorship.

WE DEPEND ON VOLUNTEERS LIKE YOU TO PROVIDE EQUAL ACCESS TO JUSTICE!

By providing high quality one-on-one legal assistance to caregivers, pro bono attorneys are able to make a tremendous difference in the lives of low-income families who face a challenging future in caring for an incapacitated adult.

WHY SHOULD I VOLUNTEER FOR THE LEGAL AID SOCIETY?

As an attorney on inactive status, working through the State Bar's Pro Bono Practice Program, you can practice law through Legal Aid's Pro Bono Conservatorship Project and receive:

FROM THE STATE BAR:

- An active bar membership
- Discounts on MCLE
- Complimentary registration at the State Bar annual meeting and other select State Bar events

FROM LEGAL AID:

- Training
- Training manuals
- Access to mentors
- A pre-screened client in need and a place to meet
- A rewarding client experience
- Networking in the legal community
- A worthwhile way to keep using your legal experience and give back to the community
- Professional liability coverage

Utah Legal Services, Inc.

Petitioning for Guardianship

June 2, 2009

**Utah Law & Justice Center
645 South 200 East
Salt Lake City, Utah 84111**

1 Hour CLE Training

**Part of the 2009 ABA Enterprise Fund
Emeritus Attorney Pro Bono
Indigent Guardianship Project**

**Petitioning for Guardianship
CLE Training
Agenda**

June 2, 2009

1:30 p.m.	Welcome and Introductions	TantaLisa Clayton
	Pro Bono Opportunities at Utah Legal Services	Brenda Teig
1:35 p.m.	Petitioning for Guardianship	Troy Wilson
2:15 p.m.	Report: Ad Hoc Committee on Probate Law and Procedure	Mary Jane Ciccarello

2009 ABA Enterprise Fund Emeritus Attorney Pro Bono Indigent Guardianship Project

This Project is sponsored by the American Bar Association Enterprise Fund, the American Bar Association Commission on Law and Aging, and the Section of Real Property, Trust and Estate Law.

This is a pilot program with the goal of establishing or expanding Pro Bono programs using volunteer attorneys qualified for practice under state Emeritus rules, to assist low-income families and other low-income petitioners in establishing an adult guardianship in uncontested cases. Utah Legal Services has been awarded this grant in Utah.

The goal is to leverage the tremendous talent and experience of retired and inactive attorneys to meet the special needs of this underserved population.

PRO BONO OPPORTUNITIES

Utah Legal Services is looking for both active and inactive emeritus attorneys as well as qualified inactive attorneys under Rule 14-110 and Rule 14-803 (inactive lawyers providing legal services for legal services organizations) to volunteer for this Project.

If you are interested in volunteering as an attorney for this Project and representing low-income petitioners in establishing a guardianship in uncontested cases, please contact either of the following individuals at Utah Legal Services:

TantaLisa Clayton: Phone: 801-924-3390; email: tlclayton@utahlegalservices.org

Brenda Teig: Phone: 801-924-3376; email: brendat@utahlegalservices.org

** If sending an e-mail, please have reference line read: ABA Emeritus Grant, so e-mail is not deleted.

STATE BAR OF TEXAS



Texas Lawyers Care
tlcmail@texasbar.com

August 26, 2009

Re: Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project

Dear Attorney:

The *Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project* (Project) is a new, exciting volunteer opportunity. The Project seeks Emeritus Attorneys to handle indigent adult guardianship cases through the Houston Bar Association's Houston Volunteer Lawyers Program (HVLV).

Your name was obtained from the State Bar of Texas' inactive and retired attorney files. Under the Texas Emeritus Attorney Rules, inactive and retired attorneys can return to the practice of law on a pro bono basis without having to activate their licenses.

The Project is a pilot program with the dual goal of recruiting Emeritus Attorneys in Harris County and assisting low-income families and other petitioners in establishing guardianships in uncontested cases. Though a background in guardianship law is not required, such experience is useful.

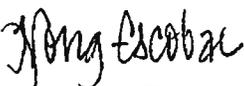
In accordance with the Texas Emeritus Attorney Rules, all participating attorneys of the Project will be supervised by a licensed Texas attorney who is either an HVLV staff attorney or a volunteer attorney for HVLV. HVLV will assign cases to Emeritus Attorneys and provide them with support. All attorneys will be covered by HVLV's malpractice insurance and will not be expected to bear any out-of-pocket expenses.

HVLV, in conjunction with TexasBarCLE, will offer a free training to describe the Project and provide a substantive review of guardianship law. This one-time, free training is being planned for October 2009. More details will be available soon.

The Project is supported by a grant from the 2009 American Bar Association Enterprise Fund Emeritus Attorney Pro Bono Indigent Guardianship Project and was awarded to Texas Lawyers Care, the pro bono department of the State Bar of Texas, HVLV, the Houston Bar Association and TexasBarCLE.

To find out how you can become an Emeritus Attorney for the Project, please fill out the attached form and return it to Texas Lawyers Care by September 24, 2009. If you have further questions or would like to discuss this with our office, please contact Lisa Villarreal-Rios at 512.427.1859 or lisa.villarrealrios@texasbar.com.

Sincerely,


Hong Tran Escobar
Director

Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project



HVLVP

HOUSTON VOLUNTEER LAWYERS PROGRAM

Are you an inactive attorney who has left the legal field, but interested in keeping your legal skills sharp? Are you retired with the time to donate your legal skills? Do you have guardianship law experience or an interest in learning about this area of law?

The Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project is available to inactive and retired Texas attorneys and those attorneys licensed in another state but residing in Texas. Under this program, an attorney may be certified to practice law as a volunteer of the Houston Bar Association's Houston Volunteer Lawyers Program (HVLVP) under the supervision of an HVLVP volunteer or staff attorney. The requirements for Emeritus Attorney certification under the State Bar Rules include:

- Being in good standing with the state licensing authority with which the attorney is licensed or from which retired;
- Having been engaged in the active practice of law for at least five out of the immediately preceding ten years prior to application for Emeritus Attorney status;
- Being a volunteer with a pro bono organization, which has been approved under the program.*

* In this case, the approved pro bono organization with which you would volunteer is HVLVP.

Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project (Emeritus Guardianship Project)

Please contact me with specific information on how I can become an Emeritus Guardianship Project Pro Bono Attorney for the Houston Bar Association's Houston Volunteer Lawyers Program.

BAR NO.: _____

NAME: _____

ADDRESS: _____

PHONE: (Preferred phone number) _____

EMAIL: _____

Please return in the postage-paid envelope enclosed.
Mail to: State Bar of Texas, P.O. Box 12487, Austin, TX 78711-2487, Attention Texas Lawyers Care.

UPCOMING CLE EVENTS

FREE All Day Ethics

Saturday, February 6, 2010
9:00 a.m. to 4:00 p.m.
Harris County Jury Assembly Room

Wills & Probate Institute

Fridays, February 12 & 19, 2010
Harris County Jury Assembly Room

Family Law Institute

Fridays, April 9 & 16, 2010
Harris County Jury Assembly Room

2010 Criminal/Appellate Bench Bar Conference

April 23 & 24, 2010
San Luis Resort - Galveston, TX

For information on upcoming
Thursday and Friday Seminars,
as well as Online CLE,
visit the HBA Web site
www.hba.org

Non-Profit
Organization
U.S. Postage
PAID
Permit No. 7545
Houston, Texas

Houston Bar Association
1001 Fannin, Suite 1300
Houston, Texas 77002



2010 GUARDIANSHIP IN PROBATE COURT & ELDER LAW INSTITUTE

Thursday, January 28, 2010

12:00 p.m. - 5:15 p.m.
Harris County Jury Assembly Room
1019 Congress Avenue
4.25 hours MCLE,
including .25 hours ethics credit.

Friday, January 29, 2010

12:30 p.m. - 4:45 p.m.
Harris County Jury Assembly Room
1019 Congress Avenue
4 hours MCLE,
including .25 hours ethics credit.

REGISTER FOR ONE DAY
OR BOTH

2010 Guardianship & Elder Law Institute SCHEDULE OF EVENTS

Thursday, January 28, 2010 (4.25 hours of MCLE credit, including .25 hours ethics credit) & Friday, January 29, 2010 (4 hours of MCLE credit, including .25 hours ethics credit)

Program Co-chairs – Joy Eckelkamp-Torres, Wright Abshire, Attorneys, PC
John O. Yow, John Yow & Associates, L.L.P.

Thursday, January 28, 2010

11:30 - 11:45 a.m.

Registration

11:45 a.m. - Noon

Welcome and Opening Remarks
Barrett H. Reasoner, *HBA President-elect*
Joy Eckelkamp-Torres, *Program Co-chair*

Noon - 12:30 p.m.

Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project*
James B. Sales, *Fulbright & Jaworski L.L.P.*
Tyrone Lin, *Houston Volunteer Lawyers Program, Inc.*
Lisa Villareal-Rios, *Texas Lawyers Care*

12:30 - 1:15 p.m.

Initiation and Administration of a Guardianship
Patricia Powell, *Cenatiempo & Dita, L.L.P.*

12:30 - 1:15 p.m.

Duties of an Ad Litem
Gus G. Tamborello,
Gus G. Tamborello, *P.C.*

1:45 - 2:30 p.m.

Mental Examination and Evaluation of a Person's Ability to Live Safe and Independently
Mark Kunik, *MD, MPH*
Baylor College of Medicine

2:30 - 2:45 p.m.

BREAK

2:45 - 3:15 p.m.

Local Rules Governing Court Appointees
Keith Morris,
Jones Morris, *LLP*

3:15 - 4:00 p.m.

Overview of Elder Law and Disability Issues in Guardianships
Christina Leshner,
The Law Office of Christina Leshner

4:00 - 5:00 p.m.

Less Restrictive Alternatives to Guardianship
Clarinda Comstock,
Benson Comstock, *LLP*

5:00 - 5:15 p.m.

Volunteer Assignments for Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project

5:15 p.m.

Adjourn

Friday, January 29, 2010

11:45 - 12:15 p.m. Registration

12:15 - 12:30 p.m.

Welcome and Opening Remarks
John O. Yow, *Program Co-Chair*

12:30 - 1:15 p.m.

Introduction to Veterans Benefits
Melissa A. Moore,
Moore & Associates

1:15 - 2:15 p.m.

Nuts and Bolts of Medicaid Planning: Long Term Care for Elderly & Disabled Persons
R. Scott Smith,
R. Scott Smith, *P.C.*

2:15 - 2:30 p.m.

BREAK

2:00 - 2:30 p.m.

Elder Abuse & Exploitation: The Ethical Duty of the Attorney
Hon. Georgia Akers,
Associate Judge, Harris County Probate Court Number 3

3:15 - 4:15 p.m.

Medicare Benefits & Medicare Set Asides
Pi-Yi Gene Mayo,
Attorney at Law

4:15 - 4:45 p.m.

It's a Matter of Life & Death... The Ethics Behind End of Life Decision Making
Emily Lankford,
Hospice Compassus

4:45 p.m. Adjourn

Emeritus Attorney Pro Bono Information:

Please attend this program if you have already signed up to be a volunteer for the Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project or are interested in participating. Emeritus attorneys are inactive attorneys who are certified by the Supreme Court of Texas to practice on a pro bono basis under the supervision of a mentoring attorney. For more information on the Harris County Emeritus Attorney Pro Bono Indigent Guardianship Project, please contact the State Bar of Texas at www.texasbar.com/emertus or call 1-800-204-2222, ext. 1859.

REGISTRATION FORM

2010 Guardianship & Elder Law Institute

HBA Members Pre-registration Fees:
1 Day Only: \$70.00; Both Days \$95.00
HBA Members Door Registration Fees:
1 Day Only: \$85.00; Both Days: \$110.00
Non-members Pre-registration Fees:
1 Day Only: \$80.00; Both Days: \$105.00
Non-members Door Registration Fees:
1 Day Only: \$95.00; Both Days: \$130.00

I am registering for:

- Thursday, January 28, 2010
 Please waive my fee; I would like to take one guardianship pro-bono case.
12:00 - 5:15 p.m. Harris County Jury Assembly room
5.0 hours MCLE, including .25 hours ethics credit.
 Friday, January 29, 2010
12:30 - 4:45 p.m. Harris County Jury Assembly Room
1019 Congress Avenue
4.0 hours MCLE, including .25 hours ethics credit.
 Both Thursday, January 28, 2010 AND Friday, January 29, 2010

Name: _____

Firm/Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Tele: _____ Fax: _____

E-mail: _____

HBA Membership Number: _____

State Bar Membership Number: _____

Faxes NOT Accepted. Send registration form along with a check made payable to: Houston Bar Association, 1001 Fannin, Suite 1300, Houston, Texas 77002.

Note: Pre-registration must be received at the HBA office no later than Noon, Tuesday, January 26, 2009

No refunds will be given after that date.

Written materials will be available in printed form and are guaranteed for pre-registrants ONLY.
Door registrants receive materials on a first-come, first-served basis.

For more information call the HBA CLE Dept., 713-759-1133.