Indiana Rules of Professional Conduct

Rule 6.6

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<th>IN Amendment Effective 5/17/16</th>
<th>Adds as Rule 6.6: The Coalition for Court Access</th>
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<td>(a) There is hereby created an organization to be known as the Coalition for Court Access (“Coalition”). The purpose of the Coalition is to act as a legal aid organization that develops and implements a statewide plan to improve the availability and quality of access to civil legal services for persons of limited means. The Coalition has the following goals:</td>
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<td>(1) Improvement of the access to and delivery of civil legal services to persons of limited means and low to moderate income.</td>
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<td>(2) Integration and coordination availability and provision of services by pro bono organizations and other legal assistance organizations.</td>
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<td>(3) Enhancement of the availability of volunteer legal services for persons of limited means, including without limitation incentivizing greater lawyer pro bono services; assessing, utilizing, and making recommendations to the Court to improve the Volunteer Attorney Pro Bono Plan established in Professional Conduct Rule 6.6; and working closely with the Indiana State Bar Association, Indiana Bar Foundation (“Bar Foundation”), and other bar associations to foster the growth of pro bono public service and a public service culture within the Indiana bar.</td>
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<td>(4) Consideration and utilization of a wide variety of programs and policies to increase the access to courts, such as strategic use of technology, community education, public libraries and other similar resources.</td>
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<td>(5) Expansion and promotion of opportunities for lawyers to volunteer their time and services for pro bono work in litigation, mediation, and other dispute resolution programs serving persons of limited means.</td>
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<td>(6) As may be deemed helpful in the pursuit of the above goals, identification of the current and future needs, outcomes, and trends regarding access to civil legal services by persons of limited means and promotion of ongoing development of financial and other resources for civil legal aid organizations in Indiana.</td>
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(b) The Coalition shall be composed of seventeen (17) members appointed by the Supreme Court and the President of the Indiana Bar Foundation. In appointing members to the Coalition, the Supreme Court and the Bar Foundation should seek to ensure that members of the Coalition are representative of the different geographic regions and judicial districts of the state, and that the members possess skills and experience relevant to the needs of the Coalition. The Coalition’s membership shall be comprised as follows:

(1) The Supreme Court shall appoint eleven (11) members, preferably reflective of the following balance:
(A) One (1) member who will be the chair of the Coalition;
(B) One (1) trial judge and one (1) appellate judge;
(C) Four (4) members from different pro bono organizations or other civil legal assistance organizations; at least two (2) of these members must be from a statewide civil legal assistance organization or a civil legal assistance organization that provides services in multiple Indiana counties;
(D) Two (2) members from a local or minority bar association; and
(E) Two (2) members from the Indiana law schools accredited by the American Bar Association.

(2) The President of the Bar Foundation shall appoint six (6) members as follows:
(A) Two (2) members of the Indiana State Bar Association;
(B) Two (2) members appointed by the Bar Foundation;
(C) One (1) member of the Indiana State Bar Association Pro Bono Committee; and
(D) One (1) member from a non-governmental organization that serves the non-legal needs of low-income Hoosiers.

(3) The Indiana State Bar Association and the Bar Foundation’s immediate past presidents, during their terms as immediate past presidents, shall also serve as ex-officio non-voting members of the Coalition.

(4) The Executive Director of the Indiana State Bar and the Executive Director of the Bar Foundation shall serve as ex-officio non-voting members of the Coalition.

(5) The Coalition shall operate as a program within the Bar Foundation. Each member of the Coalition, except the immediate past presidents of the Indiana State Bar Association and Bar Foundation, shall hold office for a terms of three (3) years, except for the initial appointments, which shall be staggered as follows: three (3) members appointed by the Supreme Court shall serve one-year terms, two (2) members appointed by the Bar Foundation president shall serve one-year terms; four (4) members appointed by the Supreme Court shall serve two-year terms; and four (4) members appointed by the Supreme Court shall serve three-year terms, and two (2) members appointed by the Bar Foundation president shall serve three-year terms. A member shall not serve more than two (2) consecutive terms.

(6) Members may resign from the Coalition by delivering a written resignation to the Coalition chair. Members may be removed by the appointing authority. The appointing authority shall fill any vacancy caused by resignation, removal or otherwise, as it occurs, for the remainder of the vacated term. Any Coalition member who fills a vacancy will be eligible to serve an additional two full consecutive terms after completing the term of the previously vacant position they are filling.

(7) Each member is entitled to one (1) vote on all matters before the Coalition. There shall be no voting by proxy. No member shall vote on any issue which may directly or indirectly benefit a member, that member’s
employer, or another organization affiliated with the member. No member shall participate in any meeting of the Coalition that involves any issue which may directly or indirectly benefit a member, that member’s employer, or another organization affiliated with the member. Members are entitled to vote by telephone or videoconference.

(c) The officers of the Coalition shall consist of a chair, vice-chair, and secretary. Officers must be members of the Coalition in good standing. The Coalition chair shall be appointed by the Supreme Court and shall serve a three-year term. The chair shall preside at all meetings of the Coalition and perform such other duties as may be prescribed by the Coalition. The vice-chair and secretary shall be elected to one-year terms by the Coalition at the Coalition’s annual meeting. The Coalition may accept nominations for vice-chair and secretary from any member. A vacancy in the office of vice-chair or secretary for any reason other than expiration of term may be filled for the remaining unexpired term at any meeting of the Coalition. The vice-chair shall preside at meetings where the chair is unavailable and perform such other duties as may be prescribed by the Coalition. The secretary shall keep minutes of the Coalition meetings and perform such other duties as may be prescribed by the Coalition. The Coalition may establish other officers as it deems appropriate. Additional officers so elected shall hold office for such period and shall have such power and duties as authorized by the Coalition.

(d) The Coalition for Court Access shall have the following powers:

1. Undertake those tasks in collaboration with the Bar Foundation which are reasonable and necessary to the fulfillment of the Coalition’s purpose;
2. Supervise the district committees subject to the approval of the Bar Foundation;
3. Make funding recommendations to the Bar Foundation in response to district committee plans and funding requests;
4. Declare the office of a member of the Coalition to be vacant in the event such member shall be absent for three (3) consecutive regular meetings of the Coalition;
5. Create and dissolve any Coalition committees necessary to assist the Coalition with the accomplishment of its mission and to appoint members to such committees which may include members and non-members of the Coalition;
6. Make recommendations to the Bar Foundation and the Supreme Court for the disbursement of available funds to civil legal aid organizations, programs, initiatives, and projects throughout the State of Indiana;
7. Collaborate with state and local bar associations and other organizations, their members and various sections and committees to help identify opportunities for them to help support Indiana’s civil legal aid network; and
8. Provide an annual report of its activities to the Supreme Court by July 1 of each year.

(e) The Bar Foundation’s authority and responsibility shall include making funding
decisions and disbursing available funds to legal aid projects or organizations upon recommendation of the Coalition.

(f) The members shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval, including via electronic mail, of a majority of the members. Any action so approved shall have the same effect as though taken at a meeting of the Coalition.

(g) No member or officer shall receive compensation for any service rendered to the Coalition. Members and officers may be reimbursed for authorized expenses incurred in the performance of Coalition duties, provided that funds are available and such reimbursement is approved by the Coalition.

(h) There shall be one (1) district committee in each of the twelve (12) districts set forth below:
District A, consisting of the counties of Lake, Porter, Jasper, and Newton;
District B, consisting of the counties of LaPorte, St. Joseph, Elkhart, Marshall, Starke, and Kosciusko;
District C, consisting of the counties of LaGrange, Adams, Allen, DeKalb, Huntington, Noble, Steuben, Wells, and Whitley;
District D, consisting of the counties of Clinton, Fountain, Montgomery, Tippecanoe, Warren, Benton, Carroll, Vermillion, Parke, Boone, and White;
District E, consisting of the counties of Cass, Fulton, Howard, Miami, Tipton, Pulaski, Grant, and Wabash;
District F, consisting of the counties of Blackford, Delaware, Henry, Jay, Madison, Hamilton, Hancock, and Randolph;
District G, consisting of the county of Marion;
District H, consisting of the counties of Greene, Lawrence, Monroe, Sullivan, Vigo, Putnam, Hendricks, Clay, Morgan, and Owen;
District I, consisting of the counties of Bartholomew, Brown, Decatur, Jackson, J
District J, consisting of the counties of Dearborn, Jefferson, Ohio, Ripley, Franklin, Wayne, Union, Fayette, and Switzerland;
District K, consisting of the counties of Daviess, Dubois, Gibson, Knox, Martin, Perry, Pike, Posey, Spencer, Vanderburgh, and Warrick; and
District L, consisting of the counties of Clark, Crawford, Floyd, Harrison, Orange, Scott, and Washington.

The Coalition has the authority to provisionally alter the number and the composition of districts as it deems appropriate to the Supreme Court no more than annually so the Supreme Court may reflect the alterations in subsection (h) above,

(1) Each district committee shall be composed of:
(A) a judge from the district appointed by the Supreme Court to serve as chair of the committee;
(B) to the extent feasible, one (1) or more representatives from each voluntary bar association in the district, one (1) representative from each pro bono and legal assistance provider in the district, and one
representative from each law school in the district, and
(C) to the extent feasible, at least two (2) community at large
representatives, one of whom shall be a present or past recipient of pro
bono public legal services.
(2) Governance of each district committee and terms of service of the members
thereof shall be determined by each committee. Replacement and
succession members shall be appointed by the judge designated by the
Supreme Court.

(i) To ensure an active and effective district program, each district committee shall
do the following:
(1) after evaluating the needs of the district and the available civil legal aid
services, prepare an annual written proposal to address the district’s needs;
(2) select and employ, if feasible, a plan administrator to provide the necessary
coordination and administrative support for the district committee;
(3) implement the annual district plan and monitor its results;
(4) submit an annual report to the Coalition; and
(5) submit the plan and funding requests for individual civil legal aid
organizations/projects to the Coalition.

(j) To encourage more lawyers to participate in pro bono activities, each district
plan should endeavor to provide various support and educational services for pro
bono attorneys, which, to the extent possible should include:
(1) providing intake, screening, and referral of prospective clients;
(2) matching cases with individual attorney expertise, including the
establishment of specialized panels;
(3) providing resources for litigation and out-of-pocket expenses for pro bono
cases;
(4) providing legal education and training for pro bono attorneys in specialized
areas of law useful in providing pro bono civil legal service;
(5) providing the availability of consultation with attorneys who have expertise
in areas of law with respect to which a volunteer lawyer is providing pro
bono civil legal service;
(6) providing malpractice insurance for volunteer pro bono lawyers with respect
to their pro bono civil legal service;
(7) establishing procedures to ensure adequate monitoring and follow-up for
assigned cases and to measure client satisfaction;
(8) recognizing pro bono civil legal service by lawyers; and
(9) providing other support and assistance to pro bono lawyers;

(k) The district committee plans may include opportunities such as the following:
(1) representing persons of limited means through case referral;
(2) representing persons of limited means through direct contact with a lawyer
when the lawyer, before undertaking the representation, first determines client
eligibility based on standards substantially similar to those used by legal
assistance providers;
(3) representing community groups serving persons of limited means through case referral;
(4) interviewing and determining eligibility of prospective clients of limited means;
(5) acting as co-counsel on cases or matters with civil legal assistance providers and other lawyers serving clients of limited means;
(6) providing consultation services to civil legal assistance providers for case reviews and evaluations;
(7) providing training to the staff of civil legal assistance providers and other volunteer attorneys serving clients of limited means;
(8) making presentations to persons of limited means regarding their rights and obligations under the law;
(9) providing legal research;
(10) providing guardian ad litem services;
(11) serving as a mediator or arbitrator the the client-eligible party; and
(12) providing such other civil legal aid service opportunities as appropriate.