

# DIALOGUE

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## News and Perspectives from the ABA Division for Legal Services

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### Policy News

LRIS

#### Tennessee Enacts Rules Permitting Government, Court Employee Pro Bono

Delivery

Tennessee adopted a rule allowing judicial research assistants in the state to perform some pro bono work as well as a statute allowing government lawyers to do pro bono work. Tennessee Supreme Court Rule 5 now permits judicial research assistants to provide pro bono legal services within certain parameters, such as occurring only outside hours of employment, not involving court appearances, and avoiding matters that may present a conflict of interest. Public Chapter No.7, House Bill 416 amends three statutes to permit government attorneys' "voluntary provision of pro bono legal services through an organized program of pro bono legal services that receives [state funding] and that provides professional liability insurance..." Rule 5 is available at <http://www.tsc.state.tn.us/opinions/tsc/rules/2009/Rule%205%20Adopted.pdf>; HB 416 is available at [www.state.tn.us/sos/acts/106/pub/pc0007.pdf](http://www.state.tn.us/sos/acts/106/pub/pc0007.pdf). For additional information, contact Rebecca Rhodes, Access to Justice Coordinator, Administrative Office of the Courts at [rebecca.rhodes@tncourts.gov](mailto:rebecca.rhodes@tncourts.gov) or (615) 741 2687.

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Pro Bono

Pro Bono: In  
their Own  
Words

From the Chair

Policy News

#### U.S. District Court Adopts Pro Bono Plan

The U.S. District Court in Massachusetts recently adopted a "Plan for the Appointment of Counsel for Indigent Parties in Certain Civil Cases", (the "Plan"). The Plan describes when an indigent pro se litigant in a civil case may qualify for the appointment of pro bono counsel, identifies how the assignments are made, sets forth the responsibilities of those law firms that currently are participating in the Plan, and refers appointed counsel to the Court's "Guidelines Governing the Reimbursement of Expenses in Pro Bono Cases. The plan is available online at <http://www.mad.uscourts.gov/general/pdf/050509%20Notice%20with%20Pro%20Bono%20Plan.pdf>. For additional information, contact either Sarah Thornton, Clerk of Court, at [USDC-BostonInfo@mad.uscourts.gov](mailto:USDC-BostonInfo@mad.uscourts.gov) and 617-748-4020 or Jeanette McGlamery, Pro Bono Coordinator, at 617-748-9559.

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#### Ohio Adopts Voluntary Pro Bono Reporting

Ohio has developed a voluntary, anonymous process for pro bono reporting as outlined in the Ohio Supreme Court's Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers, which was adopted in lieu of ABA Model Rule 6.1. Twelve percent (12%) of Ohio Attorneys reported their hours in January 2009, which reflected pro bono hours conducted for

calendar year 2008. For more information, see the last paragraph of the report: <http://www.sconet.state.oh.us/AttySvcs/officeAttySvcs/proBono.pdf>.

### **Out-of State Attorneys Granted Special Temporary Permit to Practice in Oklahoma**

An out-of-state attorney can practice before Oklahoma courts or other tribunals solely for the purpose of participating in a proceeding in which he or she has been employed, including pro bono cases. An out-of-state attorney appearing pro bono to represent the indigent, may request a waiver of the application fee for the permit from the Oklahoma Bar Association based on the client's income. In taking a pro bono case, the out of state attorneys must associate with another Oklahoma attorney, among other requirements. For more information, see <http://www.oscn.net/applications/oscn/deliverdocument.asp?citeID=442166>.

### **Law Professors Granted Special Temporary Permit to Practice in Oklahoma**

An Oklahoma law professor who is admitted to practice law in another state may be granted a Special Temporary Permit to practice law in Oklahoma, without examination, while the person is employed and devotes his or her full time to the teaching of law in such employment. The practice of law under the Special Temporary Permit shall be limited to assisting attorneys licensed in Oklahoma as a consulting or testifying expert, representing clients in a law school clinical program, or providing pro bono services. For more information, see <http://www.oscn.net/applications/oscn/deliverdocument.asp?citeID=442166>.

### **ABA Resolution Urges House Counsel to Waive Issue Conflicts to Enable Pro Bono Lawyers to Serve Low-Income Debtors**

At the 2009 ABA Annual Meeting, the ABA House of Delegates adopted Recommendation 102A urging corporate counsel to facilitate the provision of pro bono legal services by outside counsel to persons of limited means in need of assistance with consumer credit, home mortgage and bankruptcy by waiving positional conflicts of interest. To read the Recommendation and the accompanying Report, see [http://www.abanet.org/leadership/2009/annual/daily\\_journal/One\\_Hundred\\_Two\\_A.doc](http://www.abanet.org/leadership/2009/annual/daily_journal/One_Hundred_Two_A.doc). For further information, contact the ABA Business Law Pro Bono Project staff attorney, Allyn O'Connor, at [occonnora@staff.abanet.org](mailto:occonnora@staff.abanet.org) or 312-988-6398.

### **Illinois Adopts Professional Conduct Rule 6.5 and California Adopts Professional Conduct Rule 1-650 Regarding Conflicts of Interest**

As adopted, these new rules provide greater opportunities for lawyers to provide pro bono legal services through not-for-profit or other limited legal services programs. Pursuant to these rules, lawyers will have more opportunities to provide individuals with short term legal consultation without providing further representation. For more information on Illinois' rule, see [http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VIII/](http://www.state.il.us/court/SupremeCourt/Rules/Art_VIII/)

[ArtVIII\\_NEW.htm#6.5](#) and for California's rule, see <http://www.calbar.ca.gov>.

### **ABA House of Delegates Supports Funding For Legal Aid and Pro Bono Organizations Serving Disaster Survivors**

The ABA House of Delegates at the August 2009 Annual Meeting unanimously adopted Recommendation 102B, which urges federal, state and local governments to address the legal needs of communities affected by major disasters by providing additional emergency funding for not-for-profit legal services providers, bar associations, and pro bono programs. To read the Recommendation and the accompanying Report, see [http://www.abanet.org/leadership/2009/annual/daily\\_journal/One\\_Hundred\\_Two\\_B.doc](http://www.abanet.org/leadership/2009/annual/daily_journal/One_Hundred_Two_B.doc). For further information, contact ABA Center for Pro Bono Director Emeritus Tony Barash at [barasha@staff.abanet.org](mailto:barasha@staff.abanet.org) or 312-988-5773.

### **U.S. Bankruptcy Court for the District of Maryland Amends Rules**

Effective July 1, 2009, the United States Bankruptcy Court for the District of Maryland amended its local rules to accommodate its Low Bono and Deferred Payment Chapter 13 Attorney List ("LBDP List"), a publication of attorneys willing to accept low- or deferred-fee Chapter 13 cases from individuals with financial need. The changes make it clear that such fee arrangements are permissible. The LBDP List and its companion, the Low Bono Chapter 7 Attorney List, are intended to address the needs of debtors who do not qualify for free legal assistance under existing legal services or pro bono programs and are part of the court's efforts to address debtor needs prior to bankruptcy and unrepresented bankruptcy filers. For more information about the rule change or the Low Bono Lists, contact Jessica Vollmer, Pro Bono Coordinator, at [Jessica\\_Vollmer@mdb.uscourts.gov](mailto:Jessica_Vollmer@mdb.uscourts.gov) or 410-962-3813.

### **Hawaii Adopts Model Policy for Government Attorneys Performing Pro Bono Work and Continuing Education Rules for Pro Bono Service**

The Hawaii Supreme Court adopted a continuing education rule for attorneys effective January 1, 2010. Rule 22 of the Rules of the Supreme Court establishes Mandatory Continuing Professional Education requirements and Voluntary Continuing Legal Education credits. Access to Justice is one of the subjects that will qualify for the required three hours of mandatory education. Pro bono service in the amount of three hours will satisfy up to three hours of the recommended nine hours of voluntary education credits. For more information on the model policy or the CLE rule, contact Associate Justice Simeon R. Acoba, Jr. at [Simeon.R.Acoba@courts.state.hi.us](mailto:Simeon.R.Acoba@courts.state.hi.us).

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