

# DIALOGUE

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News and Perspectives from the ABA Division for Legal Services

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## Policy News

### Georgia Supreme Court Rules Permit Out-of-State-Attorneys to Participate in Pro Bono Activities

On December 2, 2009, Part XX, Extended Public Services Program, Rules 114-120, of the Rules of the Supreme Court of the State of Georgia took effect. These rules permit out-of-state attorneys employed by, associated with, or volunteering with certain public legal offices, including nonprofit organizations providing free legal services to the indigent, to practice law in Georgia. The rules impose additional restrictions such as submission of proof of good standing, co-signing of documents by attorneys licensed in Georgia, and malpractice insurance coverage. For more information, see [http://www.gasupreme.us/rules/sectionXX\\_rule114-120.pdf](http://www.gasupreme.us/rules/sectionXX_rule114-120.pdf).

### Indiana Supreme Court Modifies Professional Conduct Rule 6.1

Effective January 1, 2010, the Supreme Court of Indiana amended its Professional Conduct Rule 6.1 to further define pro bono under the rule, as well as explicitly addressing issues such as how to view attorneys fees awarded in pro bono cases and the types of cases that would qualify as pro bono. For more information on these amendments, see <http://indianalawblog.com/documents/20090821Professional%20Conduct%20Rules.pdf>

### Iowa Supreme Court Resolution on Pro Bono

On October 19, 2009 the Iowa Supreme Court issued a resolution urging all attorneys to provide at least 50 hours of pro bono legal services each year. The resolution also encouraged judges to promote free legal help by attorneys. The resolution coincided with and recognized the American Bar Association's first National Pro Bono Week Celebration, October 25-31. For more information, see [http://www.iowacourts.gov/news\\_service/news\\_releases/NewsItem394/index.asp](http://www.iowacourts.gov/news_service/news_releases/NewsItem394/index.asp).

### Maryland Releases 2008 Mandatory Pro Bono Reporting Data

Maryland Rule 16-903 requires all Maryland attorneys authorized to practice law in the state to annually report on their pro bono activities. In 2008, among full-time attorneys practicing in Maryland, 59.7% reported doing some type of pro bono. The total number of pro bono service hours also increased by 40,020 hours from the previous year. In addition, 22.4% of full-time attorneys reported performing 50 hours or more of pro bono service. For more information on these findings, see [www.mdcourts.gov/probono/pdfs/probonoreport\\_2008.pdf](http://www.mdcourts.gov/probono/pdfs/probonoreport_2008.pdf)

### Minnesota Supreme Court Adopts Disaster Assistance Rule

On December 10, 2009, the Minnesota Supreme Court adopted a major disaster rule, effective January 1, 2010. Minnesota is the ninth jurisdiction to adopt such a rule. Proposed by the Minnesota State Bar Association, the rule conforms to ABA Model Court Rule 5.8 (2007) and is designed to speed the provision of volunteer legal aid following a disaster by reducing procedural barriers for lawyers licensed in other states. For more information, see [http://www.mncourts.gov/Documents/0/Public/Clerks\\_Office/2009\\_12\\_10\\_Order\\_Leg\\_Svc\\_Rule.pdf](http://www.mncourts.gov/Documents/0/Public/Clerks_Office/2009_12_10_Order_Leg_Svc_Rule.pdf)

### New York Adopts Pro Bono Emeritus Rule

Effective January 1, 2010, The State of New York Court of Appeals recently amended the attorney registration rules, to allow retired attorneys to practice law on a pro bono basis as "Attorneys Emeritus." Those who

register as Attorneys Emeritus indicate their willingness to provide at least 30 hours annually of pro bono legal services to low-income clients supervised by qualified organizations. These attorneys are also exempted from mandatory CLE requirements and the annual attorney registration fee. For more information about the rule, see <http://www.nycourts.gov/attorneys/volunteer/emeritus/index.shtml>.

#### **North Carolina Adopts Rule of Professional Conduct 6.1**

In October 2009, North Carolina adopted Rule of Professional Conduct 6.1 – Voluntary Pro Bono Publico Service. The rule closely mirrors the ABA Model Rule of Professional Conduct rule 6.1 stating that lawyers have a professional responsibility to provide pro bono legal services and should aspire to provide 50 hours of pro bono service per year. The rule also adds Comment 12, which encourages lawyers to report pro bono legal services to act as an inspiration to others to provide service. For more information about the rule, see <http://www.ncbar.gov/rules/rules.asp>.

#### **South Carolina Supreme Court Amends Appointment of Lawyers for Indigents Rule**

In December 2009, the Supreme Court of South Carolina amended Rule 608, Appointment of Lawyers for Indigents, by adopting a number of the amendments recommended by the SC Access to Justice Commission. Specifically, the Court has redrawn the regional list from which attorneys may be selected to assist in handling appointments in other counties; reduced the number of appointments an attorney may be required to handle in an appointment year; raised the age exemption for attorneys to increase the pool of available lawyers; permitted lawyers to attend certain hearings by telephone or videoconference; and amended Rule 608(i) to require more detailed and specific reporting of the numbers and types of appointments by clerks of court to the Bar. For more information on this rule, see <http://www.sccourts.org/whatsnew/displaywhatsnew.cfm?indexID=609>

#### **Tennessee Supreme Court Proposes a New Pro Bono Emeritus Rule**

In February, 2010, the Tennessee Supreme Court proposed a new pro bono participation emeritus rule open for comment until April 12, 2010. The Emeritus rule states that attorneys who are not currently engaged in the practice of law but have practiced five out of the last ten years can participate in pro bono as long as they are supervised by a practicing attorney. In order to participate in the program, an attorney must also file certification with the Tennessee Supreme Court and provide a sworn statement. The attorney is also subject to the Rules of Professional Conduct and continuing legal education requirements.

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