

APR 10 2008

IN THE MATTER OF THE)
CREATION OF THE EMERITUS)
ATTORNEY PRO BONO PROGRAM)

ADKT NO. 425 BY TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
CHIEF DEPUTY CLERK

In accordance with N.R.A.D. 3.2, the Nevada Supreme Court Access to Justice Commission joins with the Board of Governors of the State Bar of Nevada and hereby petitions this Honorable Court to create Supreme Court Rule (SCR) 49.2 establishing the Limited Practice Rule for Emeritus Attorneys. **Exhibit 1.**

The Emeritus Attorney Program (EAP) is vital to tap additional *pro bono* practitioner resources, and represents an integral step in the forward momentum of the *pro bono* initiative flowing from the ongoing efforts of the bench and bar to address the unmet civil legal needs of low-income Nevadans.

The program is designed to benefit from the legal skills, training, and experience of retired, inactive, and out-of-state licensed attorneys who seek an opportunity to contribute their valuable and much needed legal expertise in civil *pro bono* cases.

PROCEDURAL HISTORY

The Legal Services Standing Committee (Committee) of the Access to Justice Commission (Commission), with the assistance of the State Bar of Nevada Access to Justice Coordinator (Coordinator), has been studying and developing the Emeritus Attorney proposal for the past year.

The Committee approved a final draft proposal on January 29, 2008. The full Commission ratified its final recommendations on February 1, 2008, and presented the matter to the Board of Governors for consideration at its March 5, 2008, meeting. Upon discussion and deliberation, the Board of Governors approves the proposal as set forth

herein

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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

DISCUSSION

1
2 The ABA *Commission on Law and Aging* reports¹ that over eighty percent of the
3 civil legal needs of low income persons in this country are not being met. One source of
4 volunteers, retired or otherwise (voluntarily) inactive lawyers, face barriers to doing *pro*
5 *bono* work without becoming fully active and meeting all the attendant requirements.

6 In the mid-1980's, states began to adopt *pro bono* practice rules to address the
7 hurdles that licensure rules may pose when retired or otherwise voluntarily inactive
8 lawyers seek to participate in *pro bono* service.² The rules were originally aimed at
9 retirees, but the overwhelming need has broadened the scope beyond retired lawyers to
10 attract otherwise qualified and experienced younger lawyers who are not in active
11 practice but who are interested in public service.

12 The basic premise of the emeritus attorney is one who is otherwise in good
13 standing who wishes to provide strictly *pro bono* services in civil matters under the
14 auspices of a legitimate agency or non-profit organization.

15 While the specifics of the rules vary from state to state, the common indelible goal
16 of emeritus programs is to encourage *pro bono* practice while also balancing the need to
17 protect both the public and the profession. There cannot be a sliding scale of competent
18 representation for the indigent. Thus, clear parameters are crucial to ensure that the
19 limited practice allowed under such programs stringently regulates the services provided
20 under its imprimatur. This has been successfully effected for over a decade in many other
21 jurisdictions by establishing rules that strictly regulate which legitimate legal services
22 agencies or other non-profit organizations qualify and require the emeritus attorney be in
23 good standing in the licensing jurisdiction.

24
25 _____
¹ <http://www.abanet.org/legalservices/probono/emeritus.html>

² *Id.*

1 According to a recent report of the ABA *Standing Committee on Pro Bono & Public*
2 *Service*³ and additional canvassing, the following states have clearly defined emeritus
3 attorney rules (See **Exhibit 2** for rule text):

	<u>Exhibit 2 bates page #</u>
4	
5 o Alaska (est. 2007).	0001
6 o Arizona (est. 1987).	0005
7 o California (est. 1987, amended eff. Jan. 2007).	0009
8 o Colorado (est. 1987).	00018
9 o Delaware (est. 1987, amended eff. 2003).	00020
10 o Florida (est. 1985).	00021
11 o Georgia (est. 1995).	00024
12 o Idaho (est. 1990).	00025
13 o Oregon (est. 1987).	00027
14 o South Carolina (est. 2001).	00028
15 o Texas (est. 1988, amended eff. 1996).	00031
16 o Washington (est. 1998).	00033

17 Nevada currently provides for nine (9) categories of limited practice: clinical law
18 faculty, certain attorneys in rural areas, certain deputy district attorneys, law students,
19 attorneys employed by the State Bar of Nevada, certain deputy attorneys general, certain
20 deputy state public defenders, certain deputy federal public defenders, and government/
21 in-house counsel.

22 These limited practice rules⁴ have manifested no concerns for the public or the
23 administration of justice in practice and each addresses a specific demonstrated legal
24 need. It is irrefutable that the laudable goals of the Access to Justice Commission in
25 providing civil legal services to the indigent clearly fall within the same scope as existing
26 limited practice rules.

³ http://www.abanet.org/legalservices/probono/senior_lawyers.html

⁴ Effective January 1, 2008, the Court Amended SCRs 49.1-49.10 *et seq.*; added new SCR 49.11 (Limited practice for Federal Public Defenders) and new SCR 49.12 (renewal of certification); and renumbered and

PROPOSED RULE

Most other states treat emeritus status as an admission rule, and for the purposes here, new limited practice rule 49.2⁵ seems the logical fit. The proposed rule follows.

Rule 49.2. Limited practice for Emeritus Pro Bono Attorneys

1. *Emeritus Attorney Pro Bono Program.* The Emeritus Attorney Pro Bono Program (EAP) is hereby created to assist low-income clients through approved legal services providers as defined below.

2. *Approved EAP providers.* An approved legal services (EAP) provider for the purposes of this rule is a not-for-profit legal assistance provider which is approved by the Access to Justice Commission or its designee.

a. Minimum requirements for approval as an EAP provider.

i. Provides legal services in civil matters, without charge only, to indigent persons, or

ii. Provides legal training, legal technical assistance, or advocacy support, without charge only, to qualified legal services projects; and

iii. Files a completed application with the State Bar of Nevada Access to Justice Coordinator, on a form to be provided by the State Bar, which includes:

1. The contact information required by SCR 79; and

2. Whether the EAP provider maintains professional liability insurance and if so, the name and address of the carrier.

iv. The Commission or its designee may establish additional rules and procedures for approving EAP providers under this rule as it deems necessary and proper.

b. Court awarded fees. An approved EAP provider is entitled to receive all court awarded attorneys' fees arising from representation provided by emeritus attorneys under its services.

amended SCR 49.3 as SCR 72.1(Admission of Legal Services Members)and SCR 49.7 as SCR 50.5 (Conditional admission). See ADKT 420, filed Dec. 28, 2007.

⁵ SCR 49.2 remains an unassigned rule number under the January 1, 2008 amendments.

1 3. *Requirements to apply for certification as an Emeritus*
2 *attorney.* Any inactive member of the State Bar of Nevada in good
3 standing, or any active or inactive attorney in good standing in any other
jurisdiction, who meets the requirements of this rule may apply for
certification as an Emeritus attorney.

4 a. *Exceptions.* Attorneys with a record of public
5 discipline for professional misconduct imposed within the
6 immediately preceding ten years or who resigned from the
practice of law with charges pending are not eligible for
certification under this rule.

7 4. *Application.* Application for certification to practice law in
8 this state under the provisions of this rule shall be filed with the
admissions director of the state bar on forms provided by the state bar
and shall be accompanied by:

- 9 a. A completed EAP Application and EAP Provider
10 Declaration;
11 b. A certificate of good standing indicating that the attorney
has been admitted to practice law in another jurisdiction and is
12 a member in good standing in such jurisdiction;
13 c. A statement of discipline history from the jurisdiction(s) in
which the attorney has been admitted to practice; and
14 d. Any other information deemed necessary and proper to the
administration of this rule.

15 5. *Termination.* Certification to practice under this rule shall
16 terminate whenever the attorney ceases to provide services for an
approved EAP provider. When an attorney certified under this rule
ceases to provide services for an approved EAP provider, a statement to
that effect shall be filed immediately with the admissions director of the
state bar by the EAP provider.

17 6. *Renewal of certification.* On or before the anniversary
18 date of the original filing for certification under this rule, an attorney shall
reapply annually with the admissions director of the state bar.

19 7. *Limited practice.* An emeritus attorney certified under this
20 rule may practice law only through an approved EAP provider under
subsection 2, and must complete any training required by the EAP
provider.

21 8. *Discipline; bar membership.* Attorneys certified under this
22 rule do not qualify for active membership in the state bar of Nevada, but
may be disciplined or suspended from practice in the manner now or
23 hereinafter provided by rule for discipline or suspension of attorneys
generally. Pending final disposition of any such matter the court or the
24 state bar may suspend any right to practice that is granted hereunder,
without notice of hearing.

1 The proposed rule tracks existing language in Nevada's current limited practice
2 rules, incorporates standards successfully used in other states' emeritus programs, and
3 establishes the following core requirements for any limited admission:

- 4 1) Establishes the program it supports, the Emeritus Attorney Pro Bono
5 Program, and defines its purpose, *to wit*: to assist low-income clients
6 through approved legal services providers;
- 7 2) Defines EAP providers and how such providers are approved;
- 8 3) Sets forth who may apply for admission (any inactive, or out-of-state
9 active, attorney in good standing) and specifically defines the exceptions
10 (public discipline within the past ten years or resignation with charges
11 pending);
- 12 4) Sets forth the minimum procedures for application;
- 13 5) Established an annual renewal requirement;
- 14 6) Succinctly describes the limitations on activities to those undertaken
15 for an approved EAP provider only;
- 16 7) Verifies that emeritus attorneys are subject to the disciplinary rules;
17 and
- 18 8) Confirms that practice under the admission is limited to services for
19 an approved EAP provider as described under the rule.

20 Finally, the Commission, with the assistance of the Access to Justice Coordinator
21 and the Director of Admissions, has already drafted the required forms, which are based
22 on those successfully utilized in California for several years. **Exhibit 3.**

1 CONCLUSION

2 There is a demonstrated, immediate need for additional resources to assist
3 indigent and low-income Nevadans in meeting civil legal needs. Many other states have
4 successfully utilized emeritus attorney programs for over a decade, and the trend is
5 broadening to meet ever- increasing needs. Allowing for limited emeritus attorney
6 practice strictly for *bona fide* providers, with the safeguards recommended herein, will
7 serve to greatly benefit the public and promote the administration of justice.

8 Based upon the foregoing, the Access to Justice Commission and the Board of
9 Governors of the State Bar of Nevada respectfully request that this Honorable Court
10 adopt new SCR 49.2 as set forth in Exhibit 1.

11
12 RESPECTFULLY SUBMITTED THIS 7 DAY OF April 2008.

13
14 By: Nancy L. ALLF
15 Nancy Alif, Esq., President
16 Nevada Bar No. 128
17 State Bar of Nevada
18 600 E. Charleston Blvd.
19 Las Vegas, NV 89104
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25

EXHIBIT
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1 PROPOSED (NEW) RULE 49.2

2 **Rule 49.2. Limited practice for Emeritus Pro Bono Attorneys**

3 1. *Emeritus Attorney Pro Bono Program.* The Emeritus Attorney Pro Bono Program
4 (EAP) is hereby created to assist low-income clients through approved legal services providers
5 as defined below.

6 2. *Approved EAP providers.* An approved legal services (EAP) provider for the
7 purposes of this rule is a not-for-profit legal assistance provider which is approved by the
8 Access to Justice Commission or its designee.

9 a. *Minimum requirements for approval as an EAP provider.*

10 i. Provides legal services in civil matters, without charge only, to
11 indigent persons, or

12 ii. Provides legal training, legal technical assistance, or advocacy
13 support, without charge only, to qualified legal services
14 projects; and

15 iii. Files a completed application with the State Bar of Nevada
16 Access to Justice Coordinator, on a form to be provided by the
17 State Bar, which includes:

18 1. The contact information required by SCR 79; and

19 2. Whether the EAP provider maintains professional
20 liability insurance and if so, the name and address of
21 the carrier.

22 iv. The Commission or its designee may establish additional rules
23 and procedures for approving EAP providers under this rule as
24 it deems necessary and proper.

25 b. *Court awarded fees.* An approved EAP provider is entitled to receive
all court awarded attorneys' fees arising from representation provided
by emeritus attorneys under its services.

1 3. *Requirements to apply for certification as an Emeritus attorney.* Any inactive
2 member of the State Bar of Nevada in good standing, or any active or inactive attorney in good
3 standing in any other jurisdiction, who meets the requirements of this rule may apply for
4 certification as an Emeritus attorney.

5 a. *Exceptions.* Attorneys with a record of public discipline for
6 professional misconduct imposed within the immediately preceding
7 ten years or who resigned from the practice of law with charges
8 pending are not eligible for certification under this rule.

9 4. *Application.* Application for certification to practice law in this state under the
10 provisions of this rule shall be filed with the admissions director of the state bar on forms
11 provided by the state bar and shall be accompanied by:

- 12 a. A completed EAP Application and EAP Provider Declaration;
- 13 b. A certificate of good standing indicating that the attorney has
14 been admitted to practice law in another jurisdiction and is a
15 member in good standing in such jurisdiction;
- 16 c. A statement of discipline history from the jurisdiction(s) in
17 which the attorney has been admitted to practice; and
- 18 d. Any other information deemed necessary and proper to the
19 administration of this rule.

20 5. *Termination.* Certification to practice under this rule shall terminate whenever
21 the attorney ceases to provide services for an approved EAP provider. When an attorney
22 certified under this rule ceases to provide services for an approved EAP provider, a statement to
23 that effect shall be filed immediately with the admissions director of the state bar by the EAP
24 provider.
25

1 6. *Renewal of certification.* On or before the anniversary date of the original filing
2 for certification under this rule, an attorney shall reapply annually with the admissions director of
3 the state bar.

4 7. *Limited practice.* An emeritus attorney certified under this rule may practice law
5 only through an approved EAP provider under subsection 2, and must complete any training
6 required by the EAP provider.

7 8. *Discipline; bar membership.* Attorneys certified under this rule do not qualify for
8 active membership in the state bar of Nevada, but may be disciplined or suspended from
9 practice in the manner now or hereinafter provided by rule for discipline or suspension of
10 attorneys generally. Pending final disposition of any such matter the court or the state bar may
11 suspend any right to practice that is granted hereunder, without notice of hearing.

EXHIBIT
2

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1641

Adding Alaska Bar Rule 43.2
providing for pro bono practice
by emeritus attorney.

IT IS ORDERED:

Alaska Bar Rule 43.2 is added to read as follows:

Rule 43.2. Emeritus Attorney.

(a) Purpose. The purpose of this rule is to encourage attorneys who do not otherwise engage in the active practice of law in Alaska to provide pro bono legal representation to persons who cannot afford private legal services.

(b) Bar Dues. An attorney who serves as an emeritus attorney at any time during a year shall have bar dues for the following year waived.

(c) Definitions.

(1) An "emeritus attorney" is an inactive or retired member of the Alaska Bar Association who is not otherwise engaged in the practice of law in Alaska and who:

(A) provides free civil legal services in Alaska under the supervision of a qualified legal services provider as defined in this rule;

(B) is a member in good standing of the Alaska Bar Association and has no record of public discipline for professional misconduct imposed at any time within the past fifteen (15) years in any jurisdiction; and

(C) neither asks for nor receives personal compensation of any kind for the legal services rendered under this rule.

(2) A "qualified legal services provider" is a not-for-profit legal assistance organization that is approved by the Board of Governors. A legal assistance organization seeking approval from the Board to use an emeritus attorney shall file a petition with the Board of Governors certifying that it is a not-for-profit organization and explaining with specificity:

(A) the structure of the organization and whether it accepts funds from its clients;

(B) the major sources of funds used by the organization;

(C) the criteria used to determine eligibility for legal services performed by the organization;

(D) the types of legal and nonlegal services provided by the organization;

(E) the names of all members of the Alaska Bar Association who are employed by the organization and who regularly perform legal work for the organization; and

(F) the extent of malpractice insurance that will cover the emeritus attorney.

(d) Authority.

(1) An emeritus attorney is authorized to practice law to the extent permitted an active member of the Alaska Bar Association, but only for services performed in association with a qualified legal services provider.

(2) An emeritus attorney shall not be paid by the qualified legal services provider, but the qualified legal services provider may reimburse the emeritus attorney for actual expenses incurred while rendering services. If allowed by law, the emeritus attorney may seek attorney's fees on behalf of the client, but may not personally retain them. The emeritus attorney and the client shall enter into a written fee agreement under Rule

of Professional Conduct 1.5 for the disposition of such fees. Collection of any money from the client, including but not limited to reimbursements for expenses incurred, shall be handled exclusively by the qualified legal services provider.

(e) Duties of An Emeritus Attorney. A member who wishes to perform pro bono work as an emeritus attorney on behalf of a qualified legal services provider shall file a sworn statement with the Alaska Bar Association that states:

(1) the name of the emeritus attorney and the name of the qualified legal services provider for whom the emeritus attorney will provide pro bono services;

(2) that the emeritus attorney will not be paid compensation;

(3) that the emeritus attorney will be covered by the legal services provider's malpractice insurance;

(4) that the emeritus attorney has read and is familiar with the Alaska Rules of Professional Conduct; and

(5) that the emeritus attorney has not been publicly disciplined within the last fifteen (15) years in any jurisdiction.

DATED: June 26, 2007

EFFECTIVE DATE: October 15, 2007

/s/
Chief Justice Fabe

/s/
Justice Matthews

/s/
Justice Eastaugh

/s/
Justice Bryner

/s/
Justice Carpeneti

Rule 39

17A A.R.S. Sup.Ct.Rules, Rule 39

RULES OF THE SUPREME COURT OF ARIZONA V. ADMISSION AND DISCIPLINE OF ATTORNEYS B. ADMISSION TO BAR

Rule 39. Emeritus Attorneys Pro Bono Participation Program

(1) Purpose. Individuals admitted to the practice of law in Arizona have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting these legal needs, the following rule establishing the Emeritus Attorneys Pro Bono Participation Program is adopted.

(2) Definitions.

(a) "The active practice of law" means that an attorney has been engaged in the practice of law, which includes, but is not limited to, private practice, house counsel, public employment or academic employment.

(b) An "emeritus attorney" is any person, retired from the active practice of law, who is or was admitted to practice before the highest court of Arizona or any other state or territory of the United States of America or the District of Columbia, and

1. 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; and
2. Has been a member in good standing of the State Bar of Arizona or the entity governing the practice of law of any other state, territory, or the District of Columbia and has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the past fifteen years; and
3. If not a retired member of the State Bar of Arizona, has graduated from a law school accredited by the American Bar Association and has not failed the Arizona Bar examination three or more times; and
4. Agrees to abide by the Rules of Professional Conduct and submit to the jurisdiction of the Supreme Court of Arizona for disciplinary purposes; and
5. Neither asks for nor receives compensation of any kind for the legal services to be rendered hereunder; and
6. Is certified under paragraph (5) hereof.

(c) An "approved legal assistance organization" for the purposes of this article is a not-for-profit legal assistance organization which is approved by the Supreme Court of Arizona as set forth herein. A legal assistance organization seeking approval from the Supreme Court of Arizona for the purpose of this article

shall file a petition with the clerk of the Supreme Court of Arizona certifying that it is a not-for-profit organization and reciting with specificity:

1. The structure of the organization and whether it accepts funds from its clients;
2. The major sources of funds used by the organization;
3. The criteria used to determine potential clients' eligibility for legal services performed by the organization;
4. The types of legal and nonlegal service performed by the organization;
5. The names of all members of the State Bar of Arizona who are employed by the organization or who regularly perform legal work for the organization; and
6. The existence and extent of malpractice insurance which will cover the emeritus attorney.

(d) A "supervising attorney" as used herein is an active member of the State Bar of Arizona who directs and supervises an emeritus attorney engaged in activities permitted by this article. The supervising attorney must:

1. Be employed by or be a participating volunteer for an approved legal assistance organization; and
2. Assume personal professional responsibility for supervising the conduct of the litigation, administrative proceeding or other legal services in which the emeritus attorney participates.
3. Assist the emeritus attorney in his preparation to the extent that the supervisory attorney considers it necessary.

(3) Activities.

(a) An emeritus attorney, in association with an approved legal assistance organization and under the supervision of a supervising attorney, may perform the following activities:

1. The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal assistance organization if the person on whose behalf the emeritus attorney is appearing has consented in writing to that appearance and a supervising attorney has given written approval for that appearance. The written consent and approval shall be filed in the record of each case and shall be brought to the attention of a judge of the court or the presiding officer of the administrative tribunal.
2. The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal or arbitrator in this state in any matter in which the emeritus attorney is involved. Such pleadings also shall be signed by the supervising attorney.
3. The emeritus attorney may render legal advice and perform other appropriate legal services but only after prior consultation with, and upon the express consent of, the supervising lawyer.
4. The emeritus attorney may engage in such other preparatory activities as are necessary for any matter in which he or she is involved.

(b) The presiding judge or hearing officer may, in his or her discretion, determine the extent of the emeritus attorney's participation in any proceeding.

(4) Supervision and Limitations.

(a) An emeritus attorney must perform all activities authorized by this article under the direct supervision of a supervising attorney.

(b) Emeritus attorneys permitted to perform services under this article are not, and shall not represent themselves to be, active members of the State Bar of Arizona licensed to practice law in this state.

(c) The prohibition against compensation for the emeritus attorney contained in paragraph(2)(b)(5) shall not prevent the approved legal assistance organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services hereunder nor shall it prevent the approved legal assistance organization from making such charges for its services as it may otherwise properly charge. The approved legal assistance organization shall be entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

(5) Certification. Permission for an emeritus attorney to perform services under this article shall become effective upon filing with and approval by the clerk of the Supreme Court of Arizona and the State Bar of Arizona of:

(a) A certificate by an approved legal assistance organization stating that the emeritus attorney is currently associated with that legal assistance organization and that an attorney employed by or participating as a volunteer with that organization will assume the duties of the supervising attorney required hereunder;

(b) A certification from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney has fulfilled the requirements of active bar membership and has a clear disciplinary record as required by paragraph (2)(b)(2) hereof; and

(c) A sworn statement by the emeritus attorney that he or she:

1. Has read and is familiar with the Rules of Professional Conduct and the Rules of the Supreme Court of Arizona and statutes of the State of Arizona relating to the conduct of lawyers, and will abide by the provisions thereof; and
2. Submits to the jurisdiction of the Supreme Court of Arizona for disciplinary purposes, as defined by the Rules of Professional Conduct.
3. Will neither ask for nor receive compensation of any kind for the legal services authorized hereunder.

(6) Withdrawal of Certification.

(a) Permission to perform services under this article shall cease immediately upon the filing with the clerk of the Supreme Court of Arizona and the State Bar of Arizona of a notice either:

1. By the approved legal assistance organization stating that:
 - a. The emeritus attorney has ceased to be associated with the organization, which notice must be filed within five days after such association has ceased; or
 - b. That certification of such attorney is withdrawn. An approved legal assistance organization may withdraw certification at any time and it is not necessary that the notice state the cause for such withdrawal. A copy of the notice filed with the clerk of the Supreme Court of Arizona and with the State Bar of Arizona and shall be mailed by the organization to the emeritus attorney concerned
2. By the Supreme Court of Arizona, in its discretion, at any time, stating that permission to perform services under this article has been revoked. A copy of such notice shall be mailed by the clerk of the Supreme Court of Arizona to the emeritus attorney involved and to the approved legal assistance organization to which he or she had been certified and to the State Bar of Arizona.

(b) If an emeritus attorney's certification is withdrawn for any reason, the supervising attorney shall immediately file a notice of such action before any court or tribunal in which the emeritus attorney was involved.

(7) Discipline. In addition to any appropriate proceedings and discipline which may be imposed by the Supreme Court of Arizona under Rule 31, the emeritus attorney shall be subject to the following disciplinary measures:

- (a) The presiding judge or hearing officer for any matter in which the emeritus attorney has participated may hold the emeritus attorney in civil contempt for any failure to abide by such tribunal's orders; and
- (b) The Supreme Court of Arizona or the approved legal assistance organization may, at any time, with or without cause, withdraw certification hereunder.

(8) Mandatory Continuing Legal Education. Emeritus attorneys certified under paragraph (5) hereof shall be exempt from the requirements of Rule 45, Mandatory Continuing Legal Education.

Added Sept. 15, 1987, effective Oct. 1, 1987. Amended Feb. 23, 1994, effective June 1, 1994.

17A A. R. S. Sup. Ct. Rules, Rule 39

AZ ST S CT Rule 39

TITLE 3. PROGRAMS AND SERVICES

- Division 1. Prospective Members
- Division 2. Attorney Members
- Division 3. Other Attorneys
- Division 4. Consumers
- Division 5. Vendors of Programs and Services

DIVISION 2. ATTORNEY MEMBERS

CHAPTER 8. EMERITUS ATTORNEYS

Rule 3.325 Definitions

- (A) The "Emeritus Attorney Program" is a program for active members of the State Bar who would otherwise be retired or inactive to provide free legal services exclusively for a qualified legal services provider or for the no-fee panel or pro bono clinic of a certified lawyer referral service.
- (B) An "emeritus attorney" is an active member of the State Bar who would otherwise be retired or inactive but who provides free legal services exclusively for the Emeritus Attorney Program and engages in no other activities that require active status.
- (C) A "qualified legal services provider" is certified by the State Bar as meeting the statutory criteria for either
 - (1) a "qualified legal services project," which provides legal services in civil matters without charge to indigent persons;¹ or
 - (2) a "qualified legal services support center," which provides legal training, legal technical assistance, or advocacy support without charge to qualified legal services projects.²
- (D) A "certified lawyer referral service" is, for the purposes of the Emeritus Attorney Program, the no-fee panel or pro bono clinic of a lawyer referral service certified by the State Bar as meeting statutory criteria.³

¹ Business & Professions Code §§ 6213 – 6214.5.

² Business and Professions Code §§ 6213 and 6215.

Rule 3.326 Waiver of annual membership fees

The State Bar waives annual active membership fees for members who act exclusively as emeritus attorneys for an entire calendar year. Members who are emeritus attorneys for less than a calendar year must pay annual membership fees.

Rule 3.327 Eligibility requirements

To serve as an emeritus attorney, a member must

- (A) be a member in good standing with no disciplinary charges pending at the time of retirement;
- (B) at the time of application have been admitted to the practice of law in a United States jurisdiction for at least ten years preceding the application;
- (C) have practiced law or served as a judge in California for at least three of those years;
- (D) have no record of public discipline during the ten years;
- (E) submit an application for the Emeritus Attorney Program; and
- (F) be certified by the State Bar as an emeritus attorney.

Rule 3.328 Waiver of an eligibility requirement

The Secretary may waive an emeritus attorney requirement for any reason, such as the extent to which a member otherwise meets the requirements, the need for legal services in a particular place, or a member's experience in providing pro bono legal services.

Rule 3.329 Responsibilities of an emeritus attorney

An emeritus attorney must

- (A) provide legal services exclusively as an Emeritus Attorney and not otherwise engage in activities that require active status;
- (B) provide legal services for a qualified legal services project, qualified legal support center, or the no-fee panel or pro bono clinic of a qualified lawyer referral service;
- (C) accept no compensation for legal services, except for reimbursement of expenses incurred while rendering services under these rules;

³ Business & Professions Code § 6155.

- (D) comply with these rules and relevant law; and
- (E) notify the State Bar within thirty days of withdrawing from the program.

Rule 3.330 Responsibilities of a qualified legal services provider or qualified lawyer referral service

A qualified legal services provider or qualified lawyer referral service that uses the services of an emeritus attorney must

- (A) notify the State Bar that a member has applied to serve as an emeritus attorney for the provider or service;
- (B) indicate whether the application will be accepted if the State Bar certifies the member as an emeritus attorney;
- (C) provide no compensation to the emeritus attorney, except for reimbursement of expenses; and
- (D) notify the State Bar within thirty days of ceasing to use the services of the emeritus attorney.

DIVISION 5. VENDORS OF PROGRAMS AND SERVICES

CHAPTER 1. PROVIDERS OF CONTINUING LEGAL EDUCATION

Article 1. Global provisions

Rule 3.500 Definitions

- (A) An "activity" is MCLE that the State Bar approves as meeting standards for MCLE credit.
- (B) A "provider" is an individual or entity approved by the State Bar to grant MCLE credit for an educational activity.
- (C) A "Single Activity Provider" is approved to grant credit for a single MCLE activity after submitting an application for approval of the activity in accordance with State Bar procedures and paying the appropriate processing fee.
- (D) A "Multiple Activity Provider" is approved to grant credit for any MCLE activity that complies with the terms of the Multiple Activity Provider Agreement.⁴

⁴ Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE.

- (E) "MCLE credit" is the number of credit hours that a member may claim to meet the requirements of these rules
- (F) A "credit hour" is sixty minutes actually spent in an educational activity, less any time for breaks or other activities that lack educational content. A credit hour is reported to the nearest quarter hour in decimals. MCLE credit includes time for introductory and concluding remarks and for questions and answers.
- (G) An "approved jurisdiction" is recognized by the State Bar as having MCLE requirements that substantially meet State Bar standards for educational activities and computing MCLE credit hours in a manner acceptable to the State Bar. Approved jurisdictions are listed on the State Bar Web site.

Rule 3.501 Standards

To be approved for MCLE credit, an educational activity must meet State Bar standards.

- (A) The activity must relate to legal subjects directly relevant to members of the State Bar and have significant current professional and practical content.
- (B) The provider must have significant professional or academic experience related to its content.
- (C) Promotional material must state that the activity is approved for MCLE credit or that a request for approval is pending; specify the amount of credit offered; and indicate whether any of the credit may be claimed for required MCLE in legal ethics, elimination of bias, or the prevention, detection, and treatment of substance abuse or mental illness that impairs professional competence.⁵
- (D) If the activity lasts more than an hour, the provider must make substantive written materials available either before or during the activity. Any materials provided online must be available online for at least thirty calendar days following the activity.
- (E) Programs and classes must be scheduled so that participants are free of interruptions.

Rule 3.502 Responsibilities of every provider

⁵ Business & Professions Code § 6070 (b) provides that programs offered by the California District Attorneys Association and the California Public Defenders Association are deemed to be approved MCLE. State Bar Rule 2.84 provides that "A member may claim MCLE credit for educational activities that the Board of Legal Specialization approves for certification or recertification."

Every provider must

- (A) comply with any State Bar rules and terms applicable to an approved activity;
- (B) retain the Record of Attendance for an activity for four years from the date of the activity and submit it to the State Bar upon request;
- (C) furnish a MCLE Certificate of Attendance to each attendee who has met the requirements for the activity;
- (D) give each attendee who completes an activity a State Bar MCLE Activity Evaluation Form or its equivalent; retain the completed form for at least one year; and submit it to the State Bar upon request;
- (E) permit State Bar auditors to attend or otherwise audit an activity at no cost; and
- (F) notify the State Bar in writing of any change in the name, address, or other contact information required by the State Bar.

Rule 3.503 Suspension or revocation of provider approval

The State Bar may suspend or revoke a provider's approval at any time for failure to comply with these rules or the terms of any applicable State Bar agreement.

Article 2. Multiple Activity Providers

Rule 3.520 Applying for Multiple Activity Provider status

To be considered for Multiple Activity Provider status, a provider must

- (A) within a two-year period receive State Bar approval for four different MCLE activities and hold them on four different dates; and
- (B) submit an application and processing fee for Multiple Activity Provider status within that same period.

Rule 3.521 Renewing Multiple Activity Provider status

To be eligible for renewal of up to three years, a Multiple Activity Provider must

- (A) apply for renewal using the State Bar form for Multiple Activity Provider Renewal;
- (B) submit evidence that it has offered four different activities that meet the requirements of these rules within the two years preceding its application for renewal;

- (C) submit the completed form and any required documentation by the deadline set by the State Bar; and
- (D) pay the appropriate fees.

The State Bar of California
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)
EAP Application and Sworn Statement

I understand that I must:

- Be an **ACTIVE** member of The State Bar of California.
- Provide a written statement requesting transfer from inactive to active status, if necessary.
- Reapply to the EAP annually.
- Comply with Minimum Continuing Legal Education (MCLE) requirements.
- Have practiced law, served as a judge, or engaged in a combination of the practice of law and service as a judge in California for a minimum of three out of the eight years immediately preceding the date of this application.
- Have been admitted to the practice of law in the United States at least 10 years preceding the date of this application.
- Have no record of public discipline for professional misconduct imposed in the past 15 years by the California Supreme Court, the State Bar, or any other jurisdiction admitted --- and did not resign or retire from the practice of law with disciplinary charges pending.
- Read and abide by the Rules of Professional Conduct and provisions of the State Bar Act (*Business & Professions Code, Section 6000 et seq.*) relating to the professional duties and obligations of an attorney.
- Neither ask for nor accept compensation of any kind for the legal services authorized.
- Not engage in the practice of law nor intend to practice law during the applicable year, except in association with the qualified legal services provider or the State Bar-certified lawyer referral service named on page 3.

EAP APPLICANT

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 200 , at _____, California.

Signature: _____ State Bar Number: _____

Name (print): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____ e-mail: _____

The State Bar of California
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)

The State Bar's Emeritus Attorney Program (EAP) is designed to take advantage of the legal skills, training and experience of retired or semi-retired attorneys and offers them the opportunity to contribute their valuable legal expertise to low income California residents.

Participants:

- Have their annual active attorney bar fees waived.
- Are eligible for reduced rates for MCLE programs sponsored by the State Bar and the Continuing Education of the Bar (CEB).
- Are eligible for no-cost MCLE self-study courses in the State Bar's monthly publication, the California Bar Journal.

Emeritus attorneys assist low-income clients in an approved legal services provider program by providing direct legal representation and advice, serving as mentors to legal services staff or providing assistance with administration and fund raising.

To be eligible, an attorney must:

- Be in good standing with the State Bar of California;
- Have practiced law or served as a judge in California at least three out of the last eight years;
- Have been admitted to practice law in any jurisdiction in the United States at least 10 years preceding application to the program;
- Agree to practice law on a pro bono basis *only* through a qualified legal services program or a State Bar-certified lawyer referral service;
- Comply with MCLE requirements for active attorneys (*reduced and no fee MCLE programs are available to EAP participants - call 415/538-2328 for details*);
- Agree to reapply to the EAP annually.

To apply to the EAP:

- Contact and make arrangements with an approved legal services provider (call 415/538-2328 for a list of approved providers);
- Fill out and sign the *EAP Application & Sworn Statement*;
- Have the *EAP Legal Services Provider Declaration* signed by the director/coordinator of the approved legal services program you have selected;
- Send **both completed** forms to the State Bar and a member of the EAP staff will contact you (be sure to keep a copy for your records).

For additional information, contact Michael Dayao, 415/538-2328 or michael.dayao@calbar.ca.gov

The State Bar of California
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)

EAP Legal Services Provider Declaration

(Please have an authorized representative of the program you have selected sign the following declaration and send to the address below.)

EAP LEGAL SERVICE PROVIDER or REFERRAL SERVICE

I have reviewed this application and confirm that the applicant will provide pro bono legal services with the qualified legal services provider or State Bar-certified lawyer referral service named below:

Signature: _____ Date: _____

Name of Director/Coordinator (print): _____

Program Name: _____

Address: _____

Phone: _____ Fax: _____ e-mail: _____

Return both of these completed, signed forms:

- *EAP Application and Sworn Statement*
- *EAP Legal Services Provider Declaration*

To:

Michael Dayao
The State Bar of California,
180 Howard Street
San Francisco, CA 94105
fax: 415/538-2552

Remember: Send both signed, completed forms (pages 2 and 3)!

Rule Change 2007(08)

CHAPTER 18

COLORADO COURT RULES
RULES GOVERNING ADMISSION TO THE BAR

(New) RULE 223. Pro Bono/Emeritus Attorney

Statement of Purpose. To provide a licensing status to allow retired or inactive attorneys to provide pro bono legal services to the indigent through nonprofit entities as defined in part 1, below.

(1) A pro bono/emergitus attorney may, under the auspices of a Colorado nonprofit entity whose purpose is or includes the provision of pro bono legal representation to indigent or near-indigent persons, act as legal counsel on behalf of a person seeking representation through such entity.

(2) To act in such a capacity the pro bono/emergitus attorney must be either:

(a) An attorney admitted to practice law in Colorado who:

(i) is now on inactive status;

(ii) is in good standing;

(iii) has no pending disciplinary proceeding; and

(iv) will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered; or

(b) An attorney not admitted to practice in Colorado who meets the following conditions:

(i) is licensed to practice law and is on active, inactive, or equivalent status in another jurisdiction in the United States;

(ii) is in good standing in all courts and jurisdictions in which he or she is admitted to practice;

(iii) has no pending disciplinary proceeding;

(iv) agrees to be subject to the Colorado Rules of Professional Conduct, the rules of procedure regarding attorney discipline and disability proceedings, and the remedies set forth in C.R.C.P. 234(a);

(v) limits his or her practice to acting as pro bono counsel as set forth in this rule and will not receive or expect compensation or other direct or indirect pecuniary gain for the legal services rendered hereunder; and

(vi) completes the application described herein and pays a one-time administrative fee of \$50.00, payable to The Clerk of the Colorado Supreme Court and collected by the Attorney

Registration Office. The application shall contain:

(A) A certification that the attorney agrees to the provisions of paragraphs (2)(b)(iv) & (v), above; and

(B) A certification that the attorney is in good standing in all courts and jurisdictions in which he or she is admitted to practice, and has no pending disciplinary proceeding in any jurisdiction.

(c) An attorney approved under this rule shall be assigned a certification number, which shall be used to identify the attorney's status as a pro bono/emeritus attorney.

(3) All fees collected by the Attorney Registration Office under this rule shall be used to fund the Attorney Regulation System.

(4) Pro bono/emeritus attorneys shall not be required to pay annual registration fees

(5) All pro bono/emeritus attorneys shall annually file a registration statement on or before February 28 of each year identifying the organized nonprofit entity or entities, as described in section (1) of this rule, for which the attorney is currently volunteering at the time of filing the registration statement or volunteered in the prior calendar year. In lieu of filing such a registration statement, the attorney may pay the registration fee that was applicable in the prior calendar year for registered inactive attorneys pursuant to C.R.C.P. 227(A) and, thereby, avoid termination of her or his pro/bono emeritus status. Failure of a pro bono/emeritus attorney to file a registration statement or pay the applicable prior year's inactive attorney registration fee by February 28 of each year shall result in automatic termination of pro bono/emeritus status.

(6) This Rule shall not preclude a nonprofit entity from receiving court-awarded attorney fees for representation provided by a pro bono/emeritus attorney and shall not preclude a pro bono/emeritus attorney from receiving reimbursement for otherwise recoverable costs incurred in representing a pro bono client.

Adopted by the Court, En Banc, June 28, 2007, effective July 1, 2007.

BY THE COURT:

Gregory J. Hobbs, Jr.
Justice Colorado Supreme Court

DELAWARE

Supreme Court Rule 69- Categories of Bar membership and annual registration

Rule 69(f). Categories of Bar membership and annual registration;

...

(f) Retired members.

(i) Limitations and duties. -- A member of the Bar who is not engaged in the practice of law in Delaware may, upon application to the Clerk of the Court, be granted a certificate of retirement and, so long as the member does not practice law in Delaware other than as provided herein, shall not thereafter be required to comply with this Rule. A retired member may not become an active or inactive member without (1) demonstrating, to the Court's satisfaction, the moral qualifications, competency and learning in the law required for admission to practice and (2) compliance with subsection b of this Rule. The Court may refer any retired member seeking to resume active status to the Board of Bar Examiners for determination of suitability to resume active status. **Retired members may engage in uncompensated services to clients of one or more of Delaware Volunteer Legal Services, Inc., Community Legal Aid Society, Inc., Delaware Council on Crime and Justice, Inc., the Office of the Public Defender, Office of the Child Advocate, and the Department of Justice.**

(ii) Exemption from assessment. -- Whenever a certificate of retirement is issued, the Clerk of the Court shall notify the Lawyers' Fund for Client Protection, the Office of Disciplinary Counsel, and the Commission on Mandatory Continuing Legal Education. A retired member shall be exempt from the assessments set forth in Rule 64(g), Rule 66(e)(i) and Delaware Rules for Mandatory Continuing Legal Education Rule 4(C).(g) Continuing obligation to notify the Clerk of the Court of changes. Clerk of the Court in writing within 30 days of any change in the information provided in the member's most recent registration statement.

...

RULES REGULATING THE FLORIDA BAR

CHAPTER 12. EMERITUS ATTORNEYS PRO BONO PARTICIPATION PROGRAM

12-1. GENERALLY

RULE 12-1.1 PURPOSE

Individuals admitted to the practice of law in Florida have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting these legal needs, the following rules establishing the emeritus attorneys pro bono participation program are adopted.

RULE 12-1.2 DEFINITIONS

(a) Emeritus Attorney. An "emeritus attorney" is any person, retired from the active practice of law, who is or was admitted to practice law before the highest court of Florida or any other state or territory of the United States or the District of Columbia;

(1) has been engaged in the active practice of law for a minimum of 10 out of the 15 years immediately preceding the application to participate in the emeritus program;

(2) has been a member in good standing of The Florida Bar or the entity governing the practice of law of any other state, territory, or the District of Columbia and has not been disciplined for professional misconduct by the bar or courts of any jurisdiction within the past 15 years;

(3) if not a retired member of The Florida Bar, has not failed the Florida bar examination 3 or more times;

(4) agrees to abide by the Rules of Professional Conduct and submit to the jurisdiction of the Supreme Court of Florida for disciplinary purposes;

(5) neither asks for nor receives compensation of any kind for the legal services to be rendered hereunder;
and

(6) is certified under rule 12-1.5.

(b) Approved Legal Aid Organization. An "approved legal aid organization" for the purposes of this chapter is a not-for-profit legal aid organization that is approved by the Supreme Court of Florida as set forth herein. A legal aid organization seeking approval from the Supreme Court of Florida for the purposes of this chapter shall file a petition with the clerk of the Supreme Court of Florida certifying that it is a not-for-profit organization and reciting with specificity:

(1) the structure of the organization and whether it accepts funds from its clients;

(2) the major sources of funds used by the organization;

(3) the criteria used to determine potential clients' eligibility for legal services performed by the organization;

(4) the types of legal and nonlegal services performed by the organization;

(5) the names of all members of The Florida Bar who are employed by the organization or who regularly perform legal work for the organization; and

(6) the existence and extent of malpractice insurance that will cover the emeritus attorney.

(c) **Supervising Attorney.** A "supervising attorney" as used herein is a member in good standing of The Florida Bar who directs and supervises an emeritus attorney engaged in activities permitted by this chapter. The supervising attorney must:

- (1) be employed by or be a participating volunteer for an approved legal aid organization; and
- (2) assume personal professional responsibility for supervising the conduct of the matter, litigation, or administrative proceeding in which the emeritus attorney participates.

RULE 12-1.3 ACTIVITIES

(a) **Permissible Activities.** An emeritus attorney, in association with an approved legal aid organization and under the supervision of a supervising attorney, may perform the following activities:

(1) The emeritus attorney may appear in any court or before any administrative tribunal in this state on behalf of a client of an approved legal aid organization if the person on whose behalf the emeritus attorney is appearing has consented in writing to that appearance and a supervising attorney has given written approval for that appearance. The written consent and approval shall be filed in the record of each case and shall be brought to the attention of a judge of the court or the presiding officer of the administrative tribunal.

(2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal in this state in any matter in which the emeritus attorney is involved. Such pleadings also shall be signed by the supervising attorney.

(3) The emeritus attorney may engage in such other preparatory activities as are necessary for any matter in which the emeritus attorney is involved.

(b) **Determination of Nature of Participation.** The presiding judge or hearing officer may, in the judge's or officer's discretion, determine the extent of the emeritus attorney's participation in any proceedings before the court.

RULE 12-1.4 SUPERVISION AND LIMITATIONS

(a) **Supervision by Attorney.** An emeritus attorney must perform all activities authorized by this chapter under the direct supervision of a supervising attorney.

(b) **Representation of Bar Membership Status.** Emeritus attorneys permitted to perform services under this chapter are not, and shall not represent themselves to be, active members of The Florida Bar licensed to practice law in this state.

(c) **Payment of Expenses and Award of Fees.** The prohibition against compensation for the emeritus attorney contained in rule 12-1.2(a)(5) shall not prevent the approved legal aid organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services hereunder nor shall it prevent the approved legal aid organization from making such charges for its services as it may otherwise properly charge. The approved legal aid organization shall be entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

RULE 12-1.5 CERTIFICATION

Permission to Perform Services. Permission for an emeritus attorney to perform services under this chapter shall become effective upon filing with and approval by the clerk of the Supreme Court of Florida of:

- (a) a certification by an approved legal aid organization stating that the emeritus attorney is currently

associated with that legal aid organization and that an attorney employed by or participating as a volunteer with that organization will assume the duties of the supervising attorney required hereunder;

(b) a certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney has fulfilled the requirements of active bar membership and has a clear disciplinary record as required by rule 12-1.2(a)(2); and

(c) a sworn statement by the emeritus attorney that the emeritus attorney:

(1) has read and is familiar with the Rules of Professional conduct as adopted by the Supreme Court of Florida and will abide by the provisions thereof;

(2) submits to the jurisdiction of the Supreme Court of Florida for disciplinary purposes, as defined by the Rules of Discipline and by rules 12-1.2(a)(4) and 12-1.7; and

(3) will neither ask for nor receive compensation of any kind for the legal services authorized hereunder.

RULE 12-1.6 WITHDRAWAL OF CERTIFICATION

(a) **Withdrawal of Permission to Perform Services.** Permission to perform services under this chapter shall cease immediately upon the filing with the clerk of the Supreme Court of Florida of a notice either:

(1) by the approved legal aid organization stating that:

(A) the emeritus attorney has ceased to be associated with the organization, which notice must be filed within 5 days after such association has ceased; or

(B) certification of such attorney is withdrawn. An approved legal aid organization may withdraw certification at any time and it is not necessary that the notice state the cause for such withdrawal. A copy of the notice filed with the clerk of the Supreme Court of Florida shall be mailed by the organization to the emeritus attorney concerned.

(2) by the Supreme Court of Florida, in its discretion, at any time, stating that permission to perform services under this chapter has been revoked. A copy of such notice shall be mailed by the clerk of the Supreme Court of Florida to the emeritus attorney involved and to the approved legal aid organization by which the emeritus attorney had been certified.

(b) **Notice of Withdrawal.** If an emeritus attorney's certification is withdrawn for any reason, the supervising attorney shall immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.

RULE 12-1.7 DISCIPLINE

In addition to any appropriate proceedings and discipline that may be imposed by the Supreme Court of Florida under the Rules of Discipline or the Rules of Professional Conduct, the emeritus attorney shall be subject to the following disciplinary measures:

(a) the presiding judge or hearing officer for any matter in which the emeritus attorney has participated may hold the emeritus attorney in civil contempt for any failure to abide by such tribunal's orders; and

(b) the Supreme Court of Florida or the approved legal aid organization may, at any time, with or without cause, withdraw certification hereunder.

GEORGIA

Rules and Regulations for the Organization and Government of the State Bar of Georgia

Part I, Rule 1-202(d):

(d) Emeritus Members. 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, may retire from the State Bar upon petition to and approval by the Executive Committee. Such a retired member shall hold emeritus status and shall annually confirm in writing this emeritus status. An emeritus member of the State Bar shall not be required to pay dues or annual fees. An emeritus member of the State Bar shall not be privileged to practice law except that an emeritus member may handle pro bono cases referred by either an organized pro bono program recognized by the Pro Bono Project of the State Bar or a non-profit corporation that delivers legal services to the poor. An emeritus member may be reinstated to active membership upon application to the Executive Committee.

IDAHO

RULE 223. Emeritus License

- (a) **Purpose.** To provide a licensing status to allow attorneys retired from the active practice of law, or who are or were admitted to practice law before the highest court of Idaho or any other state, territory of the United States or the District of Columbia, to provide pro bono legal services to the indigent through recognized pro bono, legal aid, or legal assistance programs.
- (b) **Definitions.**
- (1) **Active Practice of Law**, for the purposes of this Rule, means that an attorney has been engaged in the practice of law, which includes, but is not limited to, private practice, house counsel, public employment, or academic employment.
 - (2) **Emeritus Attorney** is any affiliate member of the Idaho State Bar or an attorney who is or was admitted to practice law before any other state or territory of the United States or the District of Columbia; and
 - (A) 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; and
 - (B) Has been a member in good standing of the Idaho State Bar or the entity governing the practice of law of any other state, territory, or the District of Columbia and has not been disciplined for professional misconduct by the bar or courts of any jurisdiction with the past fifteen years; and
 - (C) If not an affiliate member of the Idaho State Bar, has
 - (i) graduated from a law school accredited by the American Bar Association and has not failed the Idaho Bar examination three or more times; and
 - (ii) paid a license fee to the Idaho State Bar to become an affiliate member for the purposes of this rule (without having to take the Idaho Bar examination); and
 - (D) Agrees to abide by the Idaho Rules of Professional Conduct and to submit to the jurisdiction of the Idaho Supreme Court and the Idaho State Bar for disciplinary purposes; and
 - (E) Neither asks for nor receives any compensation of any kind for the legal service to be rendered hereunder; and
 - (F) Is certified under Section (e) hereof.
 - (3) **Approved Legal Assistance Organization**, for the purposes of this Rule, is a not-for-profit legal assistance organization which is approved by the Idaho Supreme Court as set forth herein. A legal assistance organization seeking approval from the Idaho Supreme Court for the purposes of this article shall file a petition with the Clerk of the Idaho Supreme Court certifying that it is a not-for-profit organization and reciting with specificity:
 - (A) The structure of the organization and whether it accepts funds from its clients;
 - (B) The major source of funds used by the organization;
 - (C) The criteria used to determine potential clients' eligibility for legal service performed by the organization;
 - (D) The types of legal and nonlegal service performed by the organization;
 - (E) The names of all members of the Idaho State Bar who are employed by the organization or who regularly perform legal work for the organization; and
 - (F) The existence and extent of malpractice insurance which will cover the emeritus attorney.
 - (4) **Supervising Attorney**, for purposes of this Rule, is an active member of the Idaho State Bar who directs and supervises an emeritus attorney engaged in activities permitted by this Rule. The supervising attorney must:
 - (A) Be employed or be a participating volunteer for an approved legal assistance organization; and
 - (B) Assume personal professional responsibility for supervising the conduct of the litigation, administrative proceeding, or other legal service in which the emeritus attorney participates; and
 - (C) Assist the emeritus attorney in his or her preparation to the extent that the supervising attorney considers it necessary.
- (c) **Activities**
- (1) An emeritus attorney, in association with an approved legal assistance organization and under the supervision of a supervising attorney, may perform the following activities:
 - (A) The emeritus attorney may appear in any court or before an administrative tribunal or arbitrator in this state on behalf of a client or an approved legal assistance organization if the person on whose behalf the emeritus attorney is appearing has consented in writing to that appearance and a supervising attorney has given written approval for that appearance. The written consent and approval shall be filed in the record of each case and shall be brought to the attention of the judge of the court, the presiding officer of the administrative tribunal, or the arbitrator.
 - (B) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal or arbitrator in this state in any matter in which the emeritus attorney is involved. Such pleading also shall be signed by the supervising attorney.
 - (C) The emeritus attorney may render legal advice and perform other appropriate legal services, but only after prior consultation with and upon the express consent of, the supervising lawyer.
 - (D) The emeritus attorney may engage in such other preparatory activities as are necessary for any matter in which he or she is involved.
 - (2) The presiding judge, hearing officer, or arbitrator may, in his or her discretion, determine the extent of the emeritus attorney's participation in any proceeding.
- (d) **Supervision and Limitations**
- (1) An emeritus attorney must perform all activities authorized by this Rule under the direct supervision of a supervising attorney.

- (2) Emeritus attorneys permitted to perform services under this Article are not, and shall not represent themselves to be, active members of the Idaho State Bar licensed to practice law in the state of Idaho.
 - (3) The prohibition against compensation for the emeritus attorney contained in Section (b)(2)(F) shall not prevent the approved legal assistance organization from reimbursing the emeritus attorney for actual expenses incurred while rendering service hereunder, nor shall it prevent approved legal assistance organization from making such charges for its service as it may otherwise properly charge. The approved legal assistance organization shall be entitled to receive all court awarded attorneys' fees for any representation rendered by the emeritus attorney.
- (e) **Certification.** Permission for an emeritus attorney to perform services under this Rule shall become effective upon filing with and approval by the Clerk of the Idaho Supreme Court of:
- (1) A certification by an approved legal assistance organization stating that the emeritus attorney is currently associated with that legal assistance organization and that an attorney employed by or participating as a volunteer with that organization will assume the duties of the supervising attorney required hereunder;
 - (2) A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney has fulfilled the requirements of active bar membership and has a clear disciplinary record as required by Section (b)(2)(B) hereof; and
 - (3) A sworn statement by the emeritus attorney that he or she:
 - (A) Has read and is familiar with the Idaho Rules of Professional Conduct as adopted by the Idaho Supreme Court and will abide by the provisions thereof; and
 - (B) Submits to the jurisdiction of the Idaho Supreme Court and Idaho State Bar for disciplinary purposes; and
 - (C) Will neither ask for nor receive compensation of any kind for the legal services authorized hereunder.
- (f) **Withdrawal of Certification**
- (1) Permission to perform services under this article shall cease immediately upon the filing with the Clerk of the Idaho Supreme Court of a notice either:
 - (A) By the approved legal assistance organization stating that:
 - (i) The emeritus attorney has ceased to be associated with the organization, which notice must be filed within five days after such association has ceased; or
 - (ii) That the certification of such attorney is withdrawn. An approved legal assistance organization may withdraw certification at any time and it is not necessary that the notice state the case for such withdrawal. A copy of the notice filed with the Clerk of the Idaho Supreme Court shall be mailed by the organization to the emeritus attorney concerned.
 - (B) By the Idaho Supreme Court, in its discretion, at any time, stating that permission to perform service under this article may be revoked. A copy of such notice shall be mailed by the Clerk of the Idaho Supreme Court to the emeritus attorney involved and to the approved legal assistance organization to which he or she has been certified.
 - (2) If an emeritus attorney's certification is withdrawn, for any reason, the supervising attorney shall immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.
- (g) **Discipline.** In addition to any appropriate proceeding and discipline which may be imposed by the Idaho Supreme Court or the Idaho State Bar, the emeritus attorney shall be subject to the following disciplinary measures:
- (1) The presiding judge or hearing officer for any matter in which the emeritus attorney has participated may hold the emeritus attorney in civil contempt for any failure to abide by such tribunal's orders; and
 - (2) The Idaho Supreme Court or the approved legal assistance organization may, at any time, with or without cause, withdraw certification hereunder.

**(Rule 223 added 1-1-90)*

Oregon State Bar By-law

Subsection 6.101 Active Pro Bono and Active Emeritus Status

(a) Purpose

The purposes of the Active Pro Bono and Active Emeritus categories of active membership in the Bar are to facilitate and encourage the provision of pro bono legal services to low-income Oregonians and volunteer service to the Bar by retired lawyers who otherwise may choose inactive status or even resign from membership in the Bar.

(b) Eligibility for Active Pro Bono Status

The Active Pro Bono category of active membership is available to lawyers in good standing: Who agree to provide annually a minimum of 40 hours of pro bono legal services to indigent clients referred by pro bono programs certified under Section 13.2 of the Bar's Bylaws; who do not engage in the practice of law except for providing pro bono services specified above or in volunteer service on the State Professional Responsibility Board, a Local Professional Responsibility Committee, the Disciplinary Board or as bar counsel and who obtain professional liability coverage through the Professional Liability Fund or the program referring the pro bono cases.

(c) Eligibility for Active Emeritus Status

The Active Emeritus category of active membership is available to lawyers in good standing: Who were admitted to practice law for the preceding 40 years; however, all 40 years of practice need not have been in Oregon; who limit their professional activities to providing pro bono legal services to indigent clients referred by pro bono programs certified under Section 13.2 of the Bar's Bylaws or volunteer service on the State Professional Responsibility Board or a Local Professional Responsibility Committee, the Disciplinary Board or as bar counsel; who do not engage in the private practice of law except as provided above and who obtain professional liability coverage through the Professional Liability Fund or the program referring the pro bono cases.

(d) Membership Fees

Active Pro Bono and Active Emeritus members are assessed a fee that is equivalent to the inactive membership fee plus the Client Security Fund assessment.

(e) Procedure

On the annual statement, the Bar will notify potentially eligible lawyers of the availability of Active Pro Bono and Active Emeritus categories of membership and provide interested members with an application form. The Executive Director or designee is authorized to determine members' eligibility for Active Pro Bono or Active Emeritus status and this determination is final.

(f) Reporting Requirement for Active Pro Bono Status

Bar Certified pro bono programs will report to the Bar no later than January 31 of each year the total hours of pro bono services that Active Pro Bono lawyers provided in the preceding calendar year. An Active Pro Bono lawyer who does not provide 40 hours of service in pro bono programs certified under Section 13.2 of the Bar's Bylaws during a calendar year will have until December 1 of the succeeding year to make up the deficit hours. Such makeup hours are in addition to the minimum of 40 hours required to be provided during such year. Any Active Pro Bono lawyer who does not make up deficit hours as allowed above is ineligible for Active Pro Bono status the following year and must either enroll as an inactive member, transfer to regular active membership status as provided in BR 8.14 or resign.

(g) Transfer from Active Pro Bono or Active Emeritus Status

Active Pro Bono and Active Emeritus Status members may continue in that status from year-to-year on certification that they remain eligible for such status and payment of the appropriate membership fees and assessments. Active Pro Bono or Active Emeritus members wishing to resume regular active membership status must comply with BR 8.14.

South Carolina

RULE 415

LIMITED CERTIFICATE OF ADMISSION FOR THE RETIRED AND INACTIVE ATTORNEY PRO BONO PARTICIPATION PROGRAM

(a) The Supreme Court may issue a limited certificate to practice law in South Carolina to any person who:

(1) is or was admitted to practice law in South Carolina or any other state or territory of the United States or the District of Columbia and is retired from the active practice of law or is on inactive status;

(2) has not been retired or on inactive status for more than seven years;

(3) has been a member in good standing in each jurisdiction in which the retired or inactive attorney is or was admitted to practice law;

(4) has not been disciplined for professional misconduct in any jurisdiction within the past fifteen (15) years and is not the subject of any pending disciplinary proceeding;

(5) is associated with an approved legal services organization (Legal Services) which receives, or is eligible to receive, funds from the Legal Services Corporation or is working on a case or project through the South Carolina Bar Pro Bono Program (the Program);

(6) performs all activities authorized by this Rule under the supervision of an attorney who is an active member of the South Carolina Bar employed by, or participating as a volunteer for, Legal Services or the Program and who assumes professional responsibility for the conduct of the matter, litigation, or administrative proceeding in which the retired or inactive attorney participates and;

(7) agrees to abide by the South Carolina Rules of Professional Conduct and all other rules governing the practice of law in this State and to submit to the jurisdiction of the Supreme Court for disciplinary purposes.

(b) The limited certificate issued under this Rule authorizes the retired or inactive attorney to provide legal services solely to clients approved to receive services from Legal Services or the Program, or to provide other services through the Program such as Ask-A-Lawyer or educational clinics. The retired or inactive attorney issued a limited certificate may:

(1) appear in any court or before any tribunal in this State if the client consents, in writing, to that appearance and the supervising attorney has given written approval for the appearance. The written consent and approval must be filed with the court or tribunal and must be brought to the attention of the judge or presiding officer prior to the appearance;

(2) prepare pleadings and other documents to be filed in any court or before any tribunal in this State on behalf of the client. Such pleadings shall also be signed by the supervising attorney; and

(3) otherwise engage in the practice of law as is necessary for the representation of the client.

(c) An attorney desiring a limited certificate shall file with the Clerk of the Supreme Court an application in duplicate on a form prescribed by the Supreme Court accompanied by:

(1) a certification by Legal Services or the Program stating that;

(A) the retired or inactive attorney is currently associated with Legal Services or the Program;

(B) an active member of the South Carolina Bar employed by, or acting as a volunteer for, Legal Services or the Program will assume the duties of the supervising attorney required by this Rule; and

(C) the retired or inactive attorney meets the requirements of section (a) of this Rule;

(2) a certificate of good standing from each jurisdiction in which the retired or inactive attorney is or was admitted to practice law; and

(3) a sworn statement by the retired or inactive attorney that the retired or inactive attorney:

(A) has read and is familiar with the South Carolina Rules of Professional Conduct and all rules relating to the practice of law in this State and will abide by the provisions thereof; and

(B) will neither ask for nor receive compensation of any kind for the legal services rendered under this Rule.

(d) Any questions concerning the fitness or qualifications of the retired or inactive attorney may be referred by the Supreme Court to the Committee on Character and Fitness for a hearing and recommendation.

(e) The limited certificate shall be revoked immediately upon:

(1) notice by Legal Services or the Program stating that the retired or inactive attorney has ceased to be associated with Legal Services or the Program. Such notice must be sent to the retired or inactive attorney and must be filed with the Clerk of the Supreme Court within five (5) days after the association has ceased. The notice need not state a reason for the cessation of the association; or

(2) a determination by the Supreme Court, in its discretion, that the limited certificate should be revoked. Notice of the revocation shall be sent to the retired or inactive attorney and Legal Services or the Program within five (5) days of the revocation.

(f) Upon the revocation of the limited certificate, the supervising attorney shall immediately file notice of the revocation in the official file of each matter pending before any court or tribunal in which the retired or inactive attorney was involved.

(g) The confidentiality provisions of Rule 402(i), SCACR, shall apply to all files and records of the Board of Law Examiners, the Committee on Character and Fitness, and the Clerk of the Supreme Court relating to a limited certificate to practice law under this rule.

Last amended by Order dated December 13, 2001.



STATE BAR RULES

(Rev. GC: 6/1/2005)

discipline of the member for professional misconduct. The MCLE Director shall promptly notify the Clerk that a member formerly suspended under this Article has now complied with this Article.

Section 11. Exemption of Certain Judges

Judges subject to Supreme Court Order for Judicial Education dated August 21, 1985, Supreme Court Order for Judicial Education for Retired or Former District Judges dated July 2, 1986, and federal judicial officers, shall be exempt from these requirements.

Section 12. Confidentiality

A member who reports attendance credits individually to the MCLE Director, without the sponsoring organization's knowledge, automatically consents to release of his or her name to the sponsoring organization for the sole purpose of reconciling attendance records. Other wise, the files, records and proceedings of the Committee, as they relate to the compliance or noncompliance of any member with the requirements of this Article, shall be confidential and shall not be disclosed except upon consent of the member affected or as directed in the course of judicial proceeding by a court of competent jurisdiction.

Section 13. Effective Date

The effective date of the amendments to this Article shall be January 1, 2005.

ARTICLE XIII - Emeritus Attorneys Pro Bono Participation Program

Section 1. Purpose

Individuals admitted to the practice of law in Texas have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting these legal needs, the following Article establishing the emeritus Attorneys Pro Bono Participation Program is adopted.

Section 2. Definitions

(A) "The active practice of law" means that an attorney has been engaged in the practice of law, which includes, but is not limited to, private practice, house counsel, public employment or academic employment.

(B) An "emeritus attorney" is any person, retired from the active practice of law, who is or was admitted to practice law before the highest court of Texas or any other state or territory of the United States of America or the District of Columbia, and

- (1) 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; and
- (2) Has been a member in good standing of the State Bar of Texas or the entity governing the practice of law of any other state, territory, or the District of Columbia and has not been disciplined for professional misconduct by the

bar or courts of any jurisdiction within the past fifteen years; and

- (3) If not a retired member of the State Bar of Texas has graduated from a law school accredited by the American Bar Association and has not failed the Texas bar examination three or more times; and
- (4) Agrees to abide by the Texas Code of Professional Responsibility and submit to the jurisdiction of the Supreme Court of Texas and State Bar of Texas for disciplinary purposes; and
- (5) Neither asks for nor receives compensation of any kind for the legal services to be rendered hereunder; and
- (6) Is certified under Section 5 hereof.

(C) An "approved legal assistance organization" for the purposes of this article is a not-for-profit legal assistance organization which is approved by the Supreme Court of Texas as set forth herein. A legal assistance organization seeking approval from the Supreme Court of Texas for the purposes of this article shall file a petition with the clerk of the Supreme Court of Texas certifying that it is a not-for-profit organization and reciting with specificity:

- (1) The structure of the organization and whether it accepts funds from its clients;
- (2) The major sources of funds used by the organization;
- (3) The criteria used to determine potential clients' eligibility for legal services performed by the organization;
- (4) The types of legal and nonlegal service performed by the organization;
- (5) The names of all members of the State Bar of Texas who are employed by the organization or who regularly perform legal work for the organization; and
- (6) The existence and extent of malpractice insurance which will cover the emeritus attorney.

(D) A "supervising attorney" as used herein as an active member of the State Bar of Texas who directs and supervises an emeritus attorney engaged in activities permitted by this Article. The supervising attorney must:

- (1) Be employed or be a participating volunteer for an approved legal assistance organization, and
- (2) Assume personal professional responsibility for supervising the conduct of the litigation, administrative proceeding or other legal services in which the emeritus attorney participates.
- (3) Assist the emeritus attorney in his preparation to the extent that the supervisory attorney considers it necessary.

Section 3. Activities

(A) An emeritus attorney, in association with an approved legal assistance organization and under the

supervision of a supervising attorney, may perform the following activities:

- (1) The emeritus attorney may appear in any court or before any administrative tribunal or arbitrator in this state on behalf of a client of an approved legal assistance organization if the person on whose behalf the emeritus attorney is appearing has consented in writing to that appearance and a supervising attorney has given written approval for that appearance. The written consent and approval shall be filed in the record of each case and shall be brought to the attention of a judge of the court, the presiding officer of the administrative tribunal or the arbitrator.
- (2) The emeritus attorney may prepare pleadings and other documents to be filed in any court or before any administrative tribunal or arbitrator in this state in any matter in which the emeritus attorney is involved. Such pleadings also shall be signed by the supervising attorney.
- (3) The emeritus attorney may render legal advice and perform other appropriate legal services but only after prior consultation with, and upon the express consent of, the supervising lawyer.
- (4) The emeritus attorney may engage in such other preparatory activities as are necessary for any matter in which he or she is involved.

(B) The presiding judge, hearing officer or arbitrator may, in her or his discretion, determine the extent of the emeritus attorney's participation in any proceeding.

Section 4. Supervision and limitations

(A) An emeritus attorney must perform all activities authorized by this Article under the direct supervision of a supervising attorney.

(B) Emeritus attorneys permitted to perform services under this Article are not, and shall not represent themselves to be, active members of the State Bar of Texas licensed to practice law in this state.

(C) The prohibition against compensation for the emeritus attorney contained in Section 2(A)(5) shall not prevent the approved legal assistance organization from reimbursing the emeritus attorney for actual expenses incurred while rendering services hereunder nor shall it prevent the approved legal assistance organization from making such charges for its services as it may otherwise properly charge. The approved legal assistance organization shall be entitled to receive all court-awarded attorneys' fees for any representation rendered by the emeritus attorney.

Section 5. Certification

Permission for an emeritus attorney to perform services under this Article shall become effective upon filing with and approval by the clerk of the Supreme Court of Texas of:

(A) A certification by an approved legal assistance organization stating that the emeritus attorney is currently

associated with that legal assistance organization and that an attorney employed by or participating as a volunteer with that organization will assume the duties of the supervising attorney required hereunder,

(B) A certificate from the highest court or agency in the state, territory, or district in which the emeritus attorney previously has been licensed to practice law, certifying that the emeritus attorney has fulfilled the requirements of active bar membership and has a clear disciplinary record as required by Section 2(B) hereof; and

(C) A sworn statement by the emeritus attorney that he or she:

- (1) Has read and is familiar with the Texas Code of Professional Responsibility as adopted by the Supreme Court of Texas and will abide by the provisions thereof; and
- (2) Submits to the jurisdiction of the Supreme Court of Texas and State Bar of Texas for disciplinary purposes, as defined by Article 10 of the Rules; and
- (3) Will neither ask for nor receive compensation of any kind for the legal services authorized hereunder.

Section 6. Withdrawal of Certification

(A) Permission to perform services under this article shall cease immediately upon the filing with the clerk of the Supreme Court of Texas of a notice either:

- (1) By the approved legal assistance organization stating that:
 - (a) The emeritus attorney has ceased to be associated with the organization, which notice must be filed within five days after such association has ceased; or
 - (b) That certification of such attorney is withdrawn. An approved legal assistance organization may withdraw certification at any time and it is not necessary that the notice state the cause for such withdrawal. A copy of the notice filed with the clerk of the Supreme Court of Texas shall be mailed by the organization to the emeritus attorney concerned.
- (2) By the Supreme Court of Texas, in its discretion, at any time, stating that permission to perform services under this article may be revoked. A copy of such notice shall be mailed by the clerk of the Supreme Court of Texas to the emeritus attorney involved and to the approved legal assistance organization to which he or she had been certified.

(B) If an emeritus attorneys' certification is withdrawn, for any reason, the supervising attorney shall immediately file a notice of such action in the official file of each matter pending before any court or tribunal in which the emeritus attorney was involved.

Section 7. Discipline

In addition to any appropriate proceedings and discipline which may be imposed by the Supreme Court of

Washington

Admission to Practice Rule (APR) 8(e)

SPECIAL ADMISSIONS

...
(e) Exception for Emeritus Membership. A lawyer admitted to the practice of law in a state or territory of the United States or the District of Columbia, including Washington State, may apply to the Board of Governors for a limited license to practice law as an emeritus member in this state when the lawyer is otherwise fully retired from the practice of law. An emeritus member shall provide legal services for a qualified legal services provider as defined in part (2) below. The lawyer shall apply by (i) filing an application in the form and manner that may be prescribed by the Board of Governors; (ii) presenting satisfactory proof of admission by examination to the practice of law and current good standing in any state or territory of the United States or the District of Columbia, provided that if a disciplinary sanction has been imposed upon the lawyer within 15 years immediately preceding the filing of the application for emeritus status, the Board of Governors shall have the discretion to accept or reject the application; (iii) presenting satisfactory proof of active legal experience as defined in APR 3(b) for at least 5 of the 10 years immediately preceding the filing of the application for lawyers admitted in Washington and for at least 10 of the 15 years immediately preceding the filing of the application for lawyers only admitted to practice in jurisdictions other than Washington; (iv) filing certification from a qualified legal services provider as defined in part (2) below that the applicant's practice of law will comply with the terms of this rule; (v) paying such fee as may be set by the Board of Governors with approval of the Supreme Court; (vi) complying with training requirements as may be prescribed by the Board of Governors; and (vii) furnishing whatever additional information or proof that may be required in the course of investigating the applicant.

(1) Upon approval of the application by the Board of Governors, the lawyer shall take the Oath of Attorney, pay the current year's annual membership fee in the amount required of inactive members, and the Board of Governors shall transmit its recommendation to the Supreme Court which may enter an order admitting the lawyer to the limited practice of law under this section. Emeritus status shall be for one year subject to annual renewal as provided by the Board of Governors.

(2) The practice of a lawyer admitted under this section shall be limited to providing legal service for no fee through a qualified legal services provider; or serving as an unpaid governing or advisory board member or trustee of or providing legal counsel or service for no fee to a qualified legal services provider. A qualified legal services provider is a not-for-profit legal services organization whose primary purpose is to provide legal services to low income clients. The prohibition against compensation for emeritus members shall not prevent a qualified legal services provider from reimbursing an emeritus member for actual expenses incurred while rendering legal services under

this rule. A qualified legal services provider shall be entitled to receive all court awarded attorney's fees for any representation rendered by the emeritus member.

(3) A lawyer admitted under this section shall pay to the Washington State Bar Association an annual license fee in the amount required of inactive members.

(4) The practice of a lawyer admitted under this section shall be subject to the Rules of Professional Conduct, the Rules for Enforcement of Lawyer Conduct, and to all other laws and rules governing lawyers admitted to the bar of this state. Jurisdiction shall continue whether or not the lawyer retains the limited license and irrespective of the residence of the lawyer.

(5) Emeritus members shall be exempt from compliance with rule 11 concerning Continuing Legal Education. However, prior to engaging in practice as an emeritus member, the lawyer must complete a training course or courses as approved by the Board of Governors.

(6) An emeritus member shall promptly report to the Washington State Bar Association a change in membership status in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law or the commencement of any formal disciplinary proceeding in any jurisdiction where the lawyer has been admitted to the practice of law.

(7) The limited license granted under this section shall be automatically terminated when the lawyer's practice fails to comply with part (2) above, the lawyer fails to comply with the terms of this rule, or on suspension or disbarment in a state or territory of the United States or District of Columbia where the applicant has been admitted to the practice of law. If the lawyer whose limited license is terminated was previously admitted to practice in Washington, the lawyer shall be transferred to inactive membership status upon termination.

EXHIBIT
3



State Bar of Nevada
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)

The State Bar's Emeritus Attorney Program (EAP) is designed to use the legal skills, training and experience of retired, inactive and out of state attorneys by offering them the opportunity to contribute their valuable legal expertise to low income Nevadans.

Emeritus attorneys assist low-income clients through an approved legal services provider program by either providing direct legal representation and advice or by participating in clinics and ask a lawyer programs throughout the state.

To be eligible, an attorney must:

- Be an inactive member in good standing of the State Bar of Nevada or an active or inactive attorney in good standing in any other jurisdiction;
- Agree to practice law on a pro bono basis only through a qualified legal services program;
- Agree to complete any training necessary through the legal services provider;
- Agree to reapply to the EAP annually.

To apply to the EAP:

- Contact and make arrangements with an approved legal services provider;
- Complete and sign the *EAP Application & Sworn Statement*;
- Have the *EAP Legal Services Provider Declaration* signed by the director/coordinator of the approved legal services program you have selected;
- Include a copy of certificate of good standing from any bar where you are licensed;
- Send **both completed** forms to the State Bar of Nevada (be sure to keep a copy for your records).

For additional information and for a list of approved providers please contact:

State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, NV 89104
702-382-2200 ext. 404
800-254-2797



State Bar of Nevada
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)
EAP Application and Sworn Statement

I understand that I must:

- Be an inactive member of the State Bar of Nevada in good standing or an active or inactive attorney in any other jurisdiction in good standing and provide certificate.
- Reapply to the EAP annually.
- Comply with any necessary training from the legal services organization as described in the EAP program.
- Have no record of public discipline for professional misconduct imposed in the past 10 years by the Nevada Supreme Court, the State Bar of Nevada, or any other jurisdiction in which you are admitted --- and did not resign or retire from the practice of law with disciplinary charges pending.
- Read and abide by the Nevada Rules of Professional Conduct relating to the professional duties and obligations of an attorney.
- Neither ask for nor accept compensation of any kind for the legal services unless fees are awarded by the court or any other means and are **forwarded to the legal services agency where the case originated.**
- Not engage in the practice of law nor intend to practice law during the applicable year, except in association with the qualified legal services provider service as named on page 3.

EAP APPLICANT

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of _____, 200 , at _____, Nevada.

Signature: _____ State Bar Number: _____ State licensed: _____

Name (print): _____

Address: _____

City, State, Zip: _____

Phone: _____ Fax: _____ e-mail: _____



State Bar of Nevada
EMERITUS ATTORNEY PRO BONO PARTICIPATION PROGRAM (EAP)
EAP Legal Services Provider Declaration

(Please have an authorized representative of the program you have selected sign the following declaration and send to the address below.)

EAP LEGAL SERVICE PROVIDER

I have reviewed this application and confirm that the applicant will provide pro bono legal services with the qualified legal services provider named below:

Signature: _____ Date: _____

Name of Director/Coordinator (print): _____

Program Name: _____

Address: _____

Phone: _____ Fax: _____ e-mail: _____

Return both of these completed, signed forms:

- *EAP Application and Sworn Statement*
- *EAP Legal Services Provider Declaration*
- *Certificate of Good Standing*
- *Statement of Discipline History*

To:

State Bar of Nevada
600 E. Charleston Blvd.
Las Vegas, NV 89104

Remember: Send both signed, completed forms (pages 2 and 3) and certificate of good standing!