

Attachment B

Proposed Revisions to Title 3, Division 2, Chapter 8 of the State Bar Rules

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~~ **PRO BONO PRACTICE** ATTORNEYS

Rule 3.325 Definitions

- (A) The “~~Emeritus Attorney~~ **Pro Bono Practice** 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~~ **pro bono practice** 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~~ **Pro Bono Practice** 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~~ **receives or is eligible to receive funds from the Legal Services Trust Fund Program as** 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~~ **Pro Bono Practice** Attorney Program, the no-fee panel or pro bono **panel or** 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 **pro bono practice** attorneys for an entire calendar year. Members who are emeritus **pro bono practice** attorneys for less than a calendar year must pay annual membership fees.

Rule 3.327 Eligibility requirements

To serve as an emeritus **pro bono practice** attorney, a member must

- (A) be in good standing with no disciplinary charges pending at the time of retirement **application to the Pro Bono Practice Program**;
- (B) at the time of application have been admitted to the practice of law in a United States jurisdiction for at least ~~ten~~ **five** 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~~ **five** years;
- (E) submit an application **annually** for the Emeritus Attorney **Pro Bono Practice** Program; and
- (F) be certified by the State Bar as an emeritus **pro bono practice** attorney.

Rule 3.328 Waiver of an eligibility requirement

The Secretary may waive an emeritus **pro bono practice** 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 **or for other good cause**.

Rule 3.329 Responsibilities of an emeritus **pro bono practice** attorney

An emeritus **pro bono practice** attorney must

- (A) provide legal services exclusively as an Emeritus **Pro Bono Practice** Attorney and not otherwise engage in activities that require active status;
- (B) provide legal services for a qualified legal services **provider or a 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 **State Bar Rules on Minimum Continuing Legal Education and all other rules and laws applicable to active State Bar members;**
~~these rules and relevant law~~
- (E) notify the State Bar within thirty days of withdrawing from the program;
- (F) **agree with the qualified legal services provider or certified lawyer referral service to provide a minimum number of hours of pro bono legal services annually, 100 hours being the recommended minimum;**
- (G) **submit an application annually; and**
- (H) **disclose any disciplinary charges to the qualified legal services provider or certified lawyer referral service as part of the attorney's continuing duty.**

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

A qualified legal services provider or qualified **certified** lawyer referral service that uses the services of an emeritus **pro bono practice** 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 **pro bono practice** attorney;
- (C) provide no compensation to the emeritus **pro bono practice** attorney, except for reimbursement of expenses; ~~and~~
- (D) notify the State Bar within thirty days of ceasing to use the services of the emeritus **pro bono practice** attorney;
- (E) **provide adequate support and supervision to each pro bono practice attorney; and**
- (F) **agree with the pro bono practice attorney to provide a minimum number of hours of pro bono legal services annually, 100 hours being the recommended minimum; and**
- (G) submit application annually for each pro bono practice attorney.