

### TITLE 3. PROGRAMS AND SERVICES

Adopted July 2007

### DIVISION 2. CALIFORNIA LICENSEES

#### Chapter 6. Pro Bono Practice Attorneys

*(Formerly Chapter 8; renumbered effective November 4, 2011.)*

#### Rule 3.325 Definitions

- (A) The “Pro Bono Practice Program” is a program for active licensees of the State Bar who would otherwise be inactive to provide free legal assistance exclusively for a qualified legal services provider, for the no-fee panel or pro bono clinic of a certified lawyer referral service or for a court-based self-help center.
- (B) A “pro bono practice attorney” is an active licensee of the State Bar who would otherwise be inactive but who provides free legal assistance exclusively for the Pro Bono Practice Attorney Program and engages in no other activities that require active status.
- (C) A “qualified legal services provider” 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;<sup>1</sup> 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.<sup>2</sup>
- (D) A “certified lawyer referral service” is, for the purposes of the Pro Bono Practice 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.<sup>3</sup>
- (E) A “court-based self-help center” is, for the purposes of the Pro Bono Practice Program, a self-help program that is in compliance with California Rule of Court 10.960.

*Rule 3.325 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019.*

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<sup>1</sup> Business & Professions Code §§ 6213 – 6214.5.

<sup>2</sup> Business and Professions Code §§ 6213 and 6215.

<sup>3</sup> Business & Professions Code § 6155.

### Rule 3.326 Waiver of annual license fees

The State Bar waives annual active license fees for licensees who act exclusively as pro bono practice attorneys for an entire calendar year. Licensees who are pro bono practice attorneys for less than a calendar year must pay annual license fees.

*Rule 3.326 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective January 25, 2019.*

### Rule 3.327 Eligibility requirements

To serve as a pro bono practice attorney, a licensee must

- (A) be a licensee in good standing with no disciplinary charges pending at the time of application to the Pro Bono Practice Program;
- (B) at the time of application have been admitted to the practice of law in California for at least three years preceding the application;
- (C) have practiced law or served as a judge in California for at least three of the last five years;
- (D) have no record of public discipline during the three years preceding the application;
- (E) submit an application annually for the Pro Bono Practice Program; and
- (F) be certified by the State Bar as a pro bono practice attorney.

*Rule 3.327 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019.*

### Rule 3.328 Waiver of an eligibility requirement

The Secretary may waive a pro bono practice attorney requirement, such as the extent to which a licensee otherwise meets the requirements, the need for legal assistance in a particular place, or a licensee's experience in providing pro bono legal assistance or for other good cause.

*Rule 3.328 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019.*

### Rule 3.329 Responsibilities of a pro bono practice attorney

A pro bono practice attorney must

- (A) provide legal assistance exclusively as a Pro Bono Practice Attorney and not otherwise engage in activities that require active status;
- (B) provide legal assistance for a qualified legal services provider, a certified lawyer referral service or a court-based self-help center;
- (C) accept no compensation for legal services, except for reimbursement of expenses incurred while rendering services under these rules;
- (D) comply with State Bar Rules on Minimum Continuing Legal Education and all other rules and laws applicable to active State Bar licensees;
- (E) notify the State Bar within thirty days of withdrawing from the program;
- (F) agree with the qualified legal services provider, certified lawyer referral service or court-based self-help center 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, certified lawyer referral service or court-based self-help center as part of the attorney's continuing duty.

*Rule 3.329 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019.*

#### Rule 3.330 Responsibilities of a qualified legal services provider or certified lawyer referral service or court-based self-help center

A qualified legal services provider, certified lawyer referral service or court-based self-help center that uses the services of a pro bono practice attorney must

- (A) notify the State Bar that a licensee has applied to serve as a pro bono practice attorney for the provider, service or center;
- (B) indicate whether the application will be accepted if the State Bar certifies the licensee as a pro bono practice attorney;
- (C) provide no compensation to the pro bono practice attorney, except for reimbursement of expenses; and
- (D) notify the State Bar within thirty days of the pro bono practice attorney withdrawing from the program;
- (E) provide adequate support and supervision to each pro bono practice attorney;

(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.

*Rule 3.330 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019.*