

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 pro bono legal services provider.
- (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) For the purposes of the Pro Bono Practice Program, a “pro bono legal services provider” may be a qualified legal services provider; the no-fee panel or pro bono clinic of a certified lawyer referral service; a court-based self-help center; or a nonprofit that provides free legal services to or on behalf of indigent Californians and has been approved by the State Bar as a pro bono legal services provider for the purposes of the Pro Bono Practice Program. To be approved by the State Bar, a nonprofit must annually provide to the State Bar for review:
 - (1) The organization’s mission statement;
 - (2) An active Certificate of Status from the California Secretary of State as a nonprofit corporation;
 - (3) The organization’s retainer agreement(s) that outlines for clients the scope of representation provided, confirms that the services will be provided at no cost, and indicates services may be provided by a pro bono attorney;
 - (4) A list of all current California-licensed attorneys employed at the organization; and
 - (5) Proof of malpractice insurance coverage.

The organization’s mission statement must include or relate to improving the law and the legal system, serving the indigent, or increasing access to justice in California. The State Bar shall have discretion in evaluating and approving submitted materials to ensure pro bono legal services providers meet program requirements. The State Bar

shall publish on its website a list of nonprofits approved as pro bono legal services providers for purposes of the Pro Bono Practice Program.

(D) 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;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

(E) 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.³

(F) 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; amended effective July 18, 2024.

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 fee cycle pursuant to this chapter. Licensees who are pro bono practice attorneys for less than a fee cycle must pay annual license fees. To be eligible for fee waiver in an upcoming fee cycle, the attorney must apply to the pro bono practice program on or before the annual fee deadline. If an attorney has already paid inactive fees, the State Bar waives any fees associated with transferring to active status as part of the pro bono practice program application process. Any fees already paid by the licensee will not be refunded.

Rule 3.326 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective January 25, 2019; amended effective July 18, 2024.

¹ Business & Professions Code §§ 6213-6214.5.

² Business & Professions Code §§ 6213 and 6215.

³ Business & Professions Code § 6155.

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) have no record of public discipline during the three years preceding the application;
- (C) submit an application annually for the Pro Bono Practice Program; and
- (D) 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; amended effective July 18, 2024.

Rule 3.328 Waiver of an eligibility requirement

The Program Director may waive a pro bono practice attorney program eligibility requirement 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. An applicant seeking an eligibility requirement waiver must indicate the request upon application.

Rule 3.328 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019; amended effective July 18, 2024.

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 pro bono legal services provider;
- (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 pro bono legal services provider to provide a minimum number of pro bono legal services annually, 100 hours being the recommended minimum;
- (G) annually report the number of pro bono legal services provided to the pro bono legal services provider;
- (H) submit an application annually; and
- (I) 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; amended effective July 18, 2024.

Rule 3.330 Responsibilities of a pro bono legal services provider

A pro bono legal services provider that uses the services of a pro bono practice attorney must

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

(F) ensure the pro bono practice attorney annually reports the number of hours or pro bono legal services provided.

Rule 3.330 adopted effective July 20, 2007, amended effective July 11, 2008; amended effective July 20, 2012; amended effective January 25, 2019; amended effective July 18, 2024.