

# PRO BONO PRACTICE IN RETIREMENT

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[PRO BONO PRACTICE] IN [RETIREMENT]

# PRO BONO GUIDING PRINCIPLES (OHIO)

- Prof. Cond. Preamble: A Lawyer's Responsibilities

Sec.[6]: ... “A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”

# PRO BONO GUIDING PRINCIPLES (CONT.)

- Statement Regarding the Provision of Pro Bono Legal Services by Ohio Lawyers
- <https://www.supremecourt.ohio.gov/AttySvcs/officeAttySvcs/proBono.pdf>
- Issued September, 2007
- “...all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for those who because of economic or social barriers cannot afford or secure legal counsel...This Court strongly encourages each Ohio lawyer to ensure access to justice for all Ohioans by participating in pro bono activities.”

# PRO BONO GUIDING PRINCIPLES (CONT.)

- Pro bono work is civil legal services to persons of limited means OR providing legal counsel to charitable organizations that may not be able to pay for legal services OR making a financial contribution to an organization that provides legal services to persons of limited means
- Pro bono work is, and always will be, **VOLUNTARY**
- Participation in annual, voluntary pro bono reporting is also encouraged

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO

- Gov.Bar R. X (5)(H): CLE Credit for Pro Bono  
(H) Pro bono credit.
  - (1) As used in this rule, “pro bono legal service” means legal service provided either to a person of limited means or to a charitable organization.
  - (2) The Commission may allow one credit hour for every six hours of pro bono legal service performed, with a maximum of six credit hours for service performed during a biennial compliance period, provided the legal service is assigned, verified, and reported to the Commission by any of the following:

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

- (a) An organization receiving funding for pro bono programs or services from the Legal Services Corporation or the Ohio Legal Assistance Foundation;
- (b) A metropolitan or county bar association;
- (c) The Ohio State Bar Association;
- (d) The Ohio Legal Assistance Foundation;
- (e) Any other organization recognized by the Commission as providing pro bono programs or services in Ohio.

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

- Gov.Bar R. VI (8): Emeritus Pro Bono Attorney Registration.

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## (B) Eligibility

An attorney who satisfies all of the following requirements may register for emeritus pro bono attorney status pursuant to Section 8(C) of this rule:

- (1) Is admitted to the practice of law in Ohio;
- (2) Has been engaged in the practice of law, as defined in Gov. Bar R. I, Section 9(B), for a minimum of fifteen years;



# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

(3) Is in good standing with the Supreme Court;

(4) Has not resigned from the practice of law in Ohio, resigned from the practice of law in Ohio with discipline pending, or permanently retired from the practice of law in Ohio;

(5) Has not voluntarily or involuntarily relinquished the attorney's license to practice law in another jurisdiction in order to avoid discipline or as a result of discipline imposed by a relevant authority;

(6) Has not been disciplined for professional misconduct within the past ten years or been disbarred by another jurisdiction.

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

## (C) Registration application

(1) An attorney registering for emeritus pro bono attorney status shall file an application with the Office of Attorney Services of the Supreme Court. The application shall be on a form provided by the office and shall include all of the following:

- (a) Certification the attorney satisfies the requirements of Section 8(B) of this rule;
- (b) Certification from a pro bono organization verifying the attorney is associated with the organization;

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

(c) Any other information considered necessary or appropriate by the Office of Attorney Services;

(d) A non-refundable and non-transferable fee of seventy-five dollars.

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## (D) Scope of authority

(1) An emeritus pro bono attorney, in association with the pro bono organization with which the attorney is associated, may do any of the following:

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

(a) Appear before any court or administrative board or agency on behalf of a client of the organization ...

(b) Provide routine legal services without the supervision of the attorney's supervising attorney with the approval of the organization, in its sole discretion;

(c) Engage in activities necessary for any legal matter in which the attorney is involved ...

(2) The pro bono organization supervising an emeritus pro bono attorney pursuant to Section 8(D)(1) of this rule shall provide professional liability insurance coverage for the attorney.

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

(E) Continuing legal education

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(F) Compensation

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(G) Biennial registration

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(H) Change in pro bono organization association

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# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

## (I) Duration of emeritus pro bono attorney status

(1) Unless revoked earlier ...the emeritus pro bono attorney status shall automatically expire upon the occurrence of any of the following:

(a) The attorney provides notice ...that the attorney is withdrawing from emeritus pro bono attorney status;

(b) The attorney ceases to be associated with any pro bono organization...

(c) The attorney obtains active ...or inactive attorney status ...

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

(2) The Supreme Court, sua sponte, may revoke an emeritus pro bono attorney status without hearing or statement of cause...

(3) Upon expiration or revocation of an emeritus pro bono attorney's registration..., each of the following shall occur:

(a) The attorney's supervising attorney shall immediately file a notice of such in ...each matter pending before a court

(b) The attorney shall file for either active..or inactive attorney status pursuant to Section 5 of this rule.

# SUPREME COURT RULES THAT FACILITATE PRO BONO WORK IN OHIO (CONT.)

## (J) Active attorney registration fee

An emeritus pro bono attorney who requests and is granted reinstatement of active status pursuant to Section 2 of this rule during a biennial registration period shall pay a registration fee of two hundred and seventy five dollars.



# OTHER RESOURCES

- Ohio Legal Aid: Emeritus Pro Bono Attorneys Advance Justice, Make a Difference

- [https://www.youtube.com/watch?v=3D\\_uWx\\_v0v4](https://www.youtube.com/watch?v=3D_uWx_v0v4)

- Ohio Legal Help

- <https://www.ohiolegalhelp.org>