

Practicing Law Without a License, sort of . . . Multijurisdictional Pro Bono Practice

Equal Justice Conference Presentation
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Panel Members

- Margaret Benson, Executive Director, Chicago Volunteer Legal Services
- Maya Crawford, Associate Director, Campaign for Equal Justice, Oregon
- Catherine Petrecca, Pro Bono and LRAP Coordinator, Oregon State Bar
- Kelly Tautges, Director of Pro Bono, The Chicago Bar Foundation

What is a multijurisdictional practice, anyway?

- House Counsel
- Retired Attorneys
- Temporarily Out-of-State
- Federal practitioners

How to Expand Bar Admission Rules: The Oregon Experience

- Governing Structure
 - Access to Justice Committee
 - Board of Governors
 - House of Delegates
 - Board of Bar Examiners
 - State Supreme Court

How to Expand Bar Admission Rules: The Oregon Experience

- Revising the House Counsel Rule
 - Background
 - History in Oregon
 - Intel/Perkins Coie Model

How to Expand Bar Admission Rules: The Oregon Experience

- Pertinent Language of Admissions Rule 16.05:
 - (f) The attorney may provide pro bono legal services through a pro bono program certified by the Oregon State Bar under Oregon State Bar Bylaw 13.2, provided that the attorney has professional liability coverage for such services through the pro bono program or otherwise, which coverage shall be substantially equivalent to the Oregon State Bar Professional Liability Fund coverage plan.

How to Expand Bar Admission Rules: The Oregon Experience

- Support needed in state:
 - Corporation(s) within the state
 - Legal services within the state
 - Board of Bar Examiners
 - Supreme Court

How to Expand Bar Admission Rules: The Oregon Experience

- Challenges Faced?

How to Expand Bar Admission Rules: The Oregon Experience

- Expanding the Admission Rules for Retirees
 - Background
 - ABA website lists: Arizona, California, Delaware, Florida, Georgia, Idaho, Oregon, South Carolina, Texas and Washington.
 - History in Oregon

How to Expand Bar Admission Rules: The Oregon Experience

- Pertinent requirements of Oregon Admissions Rule 17.05:
 - Active practice of law for at least 15 years
 - Graduate of an ABA approved law school
 - Passage of bar exam in another jurisdiction
 - Not currently serving disciplinary sanction, disbarment or has not resigned pending or in lieu of discipline
 - Must work through a Certified Pro Bono Program
 - Agrees to Oregon Rule of Professional Responsibility, etc.

How to Expand Bar Admission Rules: The Oregon Experience

- Challenges Faced?

How to Expand Bar Admission Rules: The Illinois Experience

- Governing Structure
 - Illinois Supreme Court Rules
 - Attorney Registration and Discipline Commission

How to Expand Bar Admission Rules: The Illinois Experience

- Revising the Retired, Inactive and House Counsel Rule
 - Steps
 - Considerations and Safeguards
 - Challenges

How to Expand Bar Admission Rules: The Illinois Experience

- Who is Covered by the Rule?
 - Retired Counsel
 - Inactive Counsel
 - In-House Counsel

How to Expand Bar Admission Rules: The Illinois Experience

- **Attorneys Covered by the New Rule Must:**
 - Provide pro bono services under the auspices of a sponsoring entity,
 - Register their pro bono participation, with the ARDC on an annual basis
 - Participate in any trainings offered by the sponsoring entity (the amendments exempt retired or inactive attorneys engaged in pro bono from meeting Illinois' MCLE requirements)

How to Expand Bar Admission Rules: The Illinois Experience

- **Legal Aid Organizations Who Want to Work with These Attorneys Must:**
 - Submit an application to the ARDC describing the pro bono program in which covered attorneys will participate
 - Certify that the organization will provide appropriate training and support to pro bono attorneys
 - Provide malpractice insurance to pro bono attorneys
 - Submit an annual statement to the ARDC verifying the continuation of the pro bono program(s)

How to Expand Bar Admission Rules: The Illinois Experience

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How to Expand Bar Admission Rules: Audience Experience

- What has your state/organization done differently from Oregon or Illinois?
- What additional challenges has your state faced?
- What issues are we failing to see?

Working Under the Rules

- Oversight Structure
 - Certified or Registered Programs
 - Programs must apply for certification
 - Programs must ensure training and supervision
 - Programs provide malpractice insurance

Working Under the Rules

- Oregon Certified Pro Bono Program
 - 1) A non-profit program providing legal services to low-income clients
 - (2) A non-profit program providing legal services to clients under the Older Americans Act.
 - (3) A court-sponsored mediation program
 - (4) An organization that provides law-related educational programs to students.
 - (5) A non-profit or bar-sponsored program [that] provides free legal services to an underserved population with special legal needs.

Working Under the Rules

- Benefits of Certification in Oregon
 - Active Pro Bono and Out-of-State House Counsel members
 - Professional Liability Fund Coverage for volunteers
 - Highlighted listing on web and in pro bono publication
- Burdens of Certification in Oregon
 - Application process
 - Mandatory reporting of volunteer hours

Working Under the Rules

- Responsibilities of Attorneys
 - Continuing Education?
 - Certified Programs
 - Registration/Reporting

Working Under the Rules

- Legal Aid Experience in using multi-jurisdictional volunteers
 - Challenges
 - Supervision
 - Support

Techniques for Finding and Supporting Multijurisdictional Practitioners

- House Counsel
 - Teaming with private practitioners
 - Clinics
- Retired Attorneys
 - Particular Challenges for senior lawyers
 - Technology challenges
 - Staff support
 - Education costs and availability
 - Mentoring by and for the senior lawyer
 - Reaching out to retired lawyers who are not members of your state bar

Small Group Session

- Challenges Faced in Creating Programs
 - Brainstorm ideas on how to solve
- Challenges Faced in Working with Multi-jurisdictional practitioners
 - Brainstorm ideas on how to solve