

# ATTACHMENT A

## Title 3, Division 2, Chapter 6 — As Proposed to Be Amended

### TITLE 3. PROGRAMS AND SERVICES

#### Division 2. ATTORNEY MEMBERS

#### Chapter 6. Pro Bono Practice Attorneys

##### Rule 3.325 Definitions

- (A) The “Pro Bono Practice Program” is a program for active members of the State Bar who would otherwise be inactive to provide free legal ~~begin]services [Deleted text end] [Insert text begins]assistance [Insert text ends]~~ exclusively for a qualified legal services provider~~[Deleted text begin] or[Deleted text end] [Insert text begins] , [Insert text ends]~~ for the no-fee panel or pro bono clinic of a certified lawyer referral service ~~[Insert text begins] or for a court-based self-help [Insert text ends] [Insert text begins]center.[Insert text ends]~~
- (B) A “pro bono practice attorney” is an active member of the State Bar who would otherwise be inactive but who provides free legal ~~[Deleted text begin] services [Deleted text end] [Insert text begins] assistance [Insert text ends]~~ exclusively for the Pro Bono Practice 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>
- ~~[Insert text begins] (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. [Insert text ends]~~

##### Rule 3.326 Waiver of annual membership fees

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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.

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

#### Rule 3.327 Eligibility requirements

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

- (A) be 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 a United States jurisdiction for at least 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 five years;
- (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 3.328 Waiver of an eligibility requirement

The Secretary may waive a pro bono practice attorney requirement, such as the extent to which a member otherwise meets the requirements, the need for legal [Deleted text begin] services [Deleted text end] [Insert text begins] assistance [Insert text ends] in a particular place, or a member's experience in providing pro bono legal [Deleted text begin]services [Deleted text end] [Insert text begins] assistance [Insert text ends] or for other good cause.

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

A pro bono practice attorney must

- (A) provide legal [Deleted text begin] services [Deleted text end] [Insert text begins] assistance [Insert text ends] exclusively as a pro bono practice attorney and not otherwise engage in activities that require active status;
- (B) provide legal [Deleted text begin] services [Deleted text end] [Insert text begins] assistance [Insert text ends] for a qualified legal services provider [Deleted text begin] or [Deleted text end] [Insert text begins] , [Insert text ends] a certified lawyer referral service [Insert text begins] or a court-based self-help center [Insert text ends];
- (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 members;
- (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 [Insert text begins] or court-based self-help center [Insert text ends] 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 [Deleted text begin] or [Deleted text end] [Insert text begins], [Insert text ends] certified lawyer referral [Deleted text begin] service as [Deleted text end] [Insert text begins] service or court-based self-help center as [Insert text ends] part of the attorney's continuing duty.

Rule 3.330 Responsibilities of a qualified legal services provider or certified lawyer referral service [Insert text begins] or court-based self-help center [Insert text ends]

A qualified legal services provider [Deleted text begin] or [Deleted text end] [Insert text begins], [Insert text ends] certified lawyer referral service [Insert text begins] or court-based self-help center [Insert text ends] that uses the services of a pro bono practice attorney must

- (A) notify the State Bar that a member has applied to serve as a pro bono practice attorney for the provider [Deleted text begin] or [Deleted text end] [Insert text begins], [Insert text ends] service [Insert text begins] or center [Insert text ends];
- (B) indicate whether the application will be accepted if the State Bar certifies the member as a pro bono practice attorney;
- (C) provide no compensation to the pro bono practice attorney, except for reimbursement of expenses;
- (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.