

Rule 6.3 Membership in Legal Services Organization

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm* in which the lawyer practices, notwithstanding that the organization serves persons* having interests adverse to a client of the lawyer. The lawyer shall not knowingly* participate in a decision or action of the organization:

- (a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rules 1.7 or 1.9, or Business and Professions Code § 6068(e)(1); or
- (b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Comment

Lawyers should support and participate in legal services organizations. A lawyer who is an officer or a member of such an organization does not thereby have a client-lawyer relationship with persons* served by the organization. However, there is potential conflict between the interests of such persons* and the interests of the lawyer's clients. If the possibility of such conflict disqualified a lawyer from serving on the board of a legal services organization, the profession's involvement in such organizations would be severely curtailed.

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¹ [Change made to conform to Model Rule title.](#)

² [Change made in response to LACBA comment to conform Comment to rule text.](#)

Hawaii Rule 1.0(h)

(h) “Qualified legal assistance organization” means a legal aid, public defender, or military assistance office, or a bona fide organization that recommends, furnishes, or pays for legal services to its members or beneficiaries, provided the office, service, or organization receives no profit from the rendition of legal services, is not designed to procure financial benefit or legal work for a lawyer as a private practitioner, does not infringe the individual member’s freedom as a client to challenge the approved counsel or to select outside counsel at the client’s expense, and is not in violation of any applicable law.

Massachusetts Rule 1.0(j)

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**Proposed Rule 6.3 Membership in Legal Services Organization
Synopsis of Public Comments**

TOTAL = 5 **A = 4**
D = 0
M = 1
NI = 0

No.	Commenter/Signatory	Comment on Behalf of Group?	A/D/M/NI ¹	Rule Section or Cmt.	Comment	RRC Response
X-2016-43aj	Committee on Professional Responsibility and Conduct (COPRAC) (Baldwin) (8-12-16)	Y	A	6.3	Supports adoption of proposed Rule 6.3.	No response required.
X-2016-76s	Los Angeles County Bar Association (LACBA) (Schmid) (9-24-16)	Y	M	6.3, cmt.	<p>1. The term “legal services organization” should be defined or the language revised.</p> <p>2. Comment language not consistent with rule language.</p>	<p>1. The Commission disagrees that the term needs to be defined. It continues to believe there should be no confusion as to the term’s meaning. It is a well understood term in the legal profession. Further, the fact that the term “legal services organization” is included in the definition of “firm” or “law firm” in proposed Rule 1.0.1(c) should remove any confusion that the term is so broad as to encompass any organization that provides legal services, including for-profit law partnerships and corporations. Finally, no other jurisdiction has found it necessary to define the term.</p> <p>2. The Commission agrees and has made changes to conform the text and Comment language.</p>
X-2016-94c	Disability Rights California (Mudryk) (9-27-16)	Y	A		Supports rule because clarifies the lack of conflict of interest for those who serve on boards	No response required.

¹ A = AGREE with proposed Rule D = DISAGREE with proposed Rule M = AGREE ONLY IF MODIFIED NI = NOT INDICATED

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					except in certain circumstances. Legal services organizations rely on volunteers and would see a great decline in volunteers without the guidance in the rule.	
X-2016-104bd	State Bar of California, Office of Chief Trial Counsel (OCTC) (Dressler) (9-27-16)	Y	A	Cmt.	Comment is unnecessary.	The Commission disagrees. The comment explains the policy underlying the rule that permits withdrawal from decision-making but does not require resignation in the event a conflict arises involving a client of a lawyer serving on the organization's board.
X-2016-121h	California Commission on Access to Justice (CCAJ) (Harston) (9-23-16)	Y	A		Supports rule because it clarifies that there is no conflict of interest for attorneys serving on legal service organization board unless they knowingly participate in decisions where they have an adverse interest. There would be a great decline in volunteers without this rule.	No response required.