

# SUPREME COURT OF LOUISIANA

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## ORDER

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### SUPPLEMENTAL EMERGENCY *PRO BONO* CIVIL LEGAL ASSISTANCE RULE

Acting in accordance with Article V, §§ 1 and 5 of the Louisiana Constitution, and the inherent power of this Court, and considering the request of the Louisiana State Bar Association to promulgate a supplemental emergency *pro bono* civil legal assistance rule to permit non-admitted lawyers to render temporary *pro bono* general civil legal services to victims of Hurricane Katrina and Hurricane Rita,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The following supplemental emergency rule shall govern the ability of non-admitted lawyers to provide *pro bono* civil legal assistance in Louisiana.

a) Lawyers affected: A lawyer not admitted to practice law in Louisiana but who is admitted in another United States jurisdiction, and who is neither disbarred nor suspended from the practice of law in any jurisdiction, may provide temporary emergency *pro bono* legal assistance within Louisiana upon approval of an application for a limited certification of *pro bono* practice. Such certification shall allow the provision of temporary *pro bono* legal assistance, as set forth in this Rule, by that lawyer within the State of Louisiana and will be effective for a period commencing with the issuance of a letter of certification and ending one year from the effective date of this order.

b) Legal services limitations: The legal services to be provided pursuant to this rule:

1) must be with respect to civil, and not criminal, issues arising out of or relating to rights, remedies, claims, defenses, injury or damages resulting from or reasonably related to Hurricanes Katrina and Rita, and their aftermath, or evacuations pursuant to official warnings regarding Hurricanes Katrina and Rita, and may only be rendered through the following six legal service providers and lawyer-supervised *pro bono* agencies within Louisiana;

- Southeast Louisiana Legal Services Corporation
- Acadiana Legal Services Corporation
- Capital Area Legal Services Corporation
- Legal Services of North Louisiana, Inc.
- Southwest Louisiana Legal Services Society, Inc.
- The *Pro Bono* Project

2) may consist of representation within Louisiana courts and in administrative proceedings by enrolling as counsel of record on behalf of any person with such claim, but only if the Louisiana licensed supervising attorney affiliated with the identified legal service providers and/or *pro bono* projects cosigns the pleadings as counsel of record. Any Louisiana licensed lawyer who is of record in the proceeding shall provide oversight and supervision to the certified out of state *pro bono* practitioner, both of whom remain responsible to the client and

for the conduct of the proceedings before the court or agency.

It is the duty of the Louisiana licensed lawyer exercising supervisory oversight to advise the client of his/her independent judgment if the Louisiana licensed lawyer's judgment differs from that of the certified out of state *pro bono* practitioner.

3) shall consist exclusively of the representation of clients who meet the financial eligibility and case type restrictions promulgated by the federal Legal Services Corporation.

4) shall be provided by the certified out of state *pro bono* practitioner without charge, with no fee or expense of any kind payable or reimbursable by the client.

c) Application: Each attorney providing services under the authority of this order shall first present to the Office of Disciplinary Counsel an application for a limited certification of *pro bono* practice containing the following information:

1) The attorney's full name, firm name, residential address, principal business address, email address, telephone number, fax number, jurisdiction or jurisdictions within which the attorney has been admitted, and the bar identification number for each such jurisdiction;

2) An affirmation executed by the attorney that he or she is duly licensed and in good standing and authorized to practice law in each of the identified jurisdictions and that the attorney's license is not the subject of any suspension, disbarment, or other restriction in any jurisdiction;

- 3) An affirmation executed by the attorney that he/she is performing all services under the authorization of this order and that the certified out of state *pro bono* practitioner will be acting strictly in the capacity as a volunteer;
- 4) An affirmation that all services to be performed will be at no charge, fee or expense to the client;
- 5) An affirmation executed by the attorney that he/she has read, will abide by, and is subject to the Louisiana Rules of Professional Conduct, including the rules prohibiting solicitation of cases or clients, will faithfully perform the duties of an attorney and will not place his or her personal interests ahead of the interests of the client;
- 6) An affirmation that the attorney has read and will familiarize himself/herself with the emergency/disaster training manual for volunteer lawyers prepared by the Louisiana State Bar Association (available at <http://www.lsba.org>);
- 7) An affirmation executed by the attorney that he/she consents to the lawyer disciplinary jurisdiction of the State of Louisiana;
- 8) An affirmation executed by the attorney that he/she will not undertake, as a certified out of state *pro bono* practitioner, to represent any person other than a client assigned to the lawyer by one of the six legal service providers and/or *pro bono* agencies identified herein, and the certified out of state *pro bono* practitioner shall not hold himself or herself out in this state to

be authorized to provide legal services to any person other than through these identified programs;

9) A certificate of good standing together with a disciplinary certificate from each state of licensure wherein the attorney is presently licensed to practice law;

An application form to be used in applying for a limited license is appended to this order.

d) Unauthorized practice rules: The rendition of legal or other services under this rule shall not be deemed the unauthorized practice of law by the certified out of state *pro bono* practitioner, as prohibited by Rule 5.5 of the Louisiana Rules of Professional Conduct, Louisiana Supreme Court Rule XVII, and other relevant Louisiana rules of court.

e) Issuance of Limited Certification of *Pro Bono* Practice: Upon receipt, review and approval of an application for a limited certification of *pro bono* practice, the Office of Disciplinary Counsel shall notify the Clerk of the Supreme Court, and a letter certifying that the out-of-state lawyer has met the requirements to practice in Louisiana courts as a certified out-of-state *pro bono* practitioner may be issued.

f) Duration of Limited Certification of *Pro Bono* Practice: A limited certification of *pro bono* practice issued pursuant to this order shall expire no later than the final effective date of this order unless extended or amended through future orders of this court, or in the event of a disciplinary order issued pursuant to Supreme Court Rule XIX.

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This supplemental emergency *pro bono* civil legal assistance rule shall become effective upon signing and shall remain in full force and effect for a period of one year from the date of signing unless amended or extended through future Orders of this Court.

New Orleans, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_ 2006.

For the Court:

\_\_\_\_\_  
Pascal F. Calogero, Jr., Chief Justice

**APPLICATION FOR OUT-OF-STATE ATTORNEYS  
SEEKING TO RENDER *PRO BONO* ASSISTANCE PURSUANT TO  
SUPPLEMENTAL EMERGENCY *PRO BONO* CIVIL LEGAL ASSISTANCE RULE**

1. Attorney's Full Name: \_\_\_\_\_
2. Firm Name: \_\_\_\_\_
3. Permanent Residence Address: \_\_\_\_\_  
\_\_\_\_\_
4. Principal Business Address: \_\_\_\_\_  
\_\_\_\_\_
5. Business and Residence Telephone Numbers: \_\_\_\_\_
6. Fax Number: \_\_\_\_\_
7. E-mail Address: \_\_\_\_\_
8. List every state in which you are licensed and in good standing and provide your registration or bar number:

State	Bar Number
_____	_____
_____	_____
_____	_____

9. Have you ever been publicly disciplined by any lawyer disciplinary committee, state or federal court, or lawyer disciplinary agency in any other jurisdiction:  
 yes                       no

If you answered affirmatively, as to each such discipline, please provide on a separate sheet a summary of the allegations against you, the name of the state or federal authority bringing such proceeding, the date the discipline was imposed, the style of the proceedings, and the findings made and discipline imposed in connection with the proceedings. (A copy of any public Order of lawyer discipline imposed against the applicant shall be appended to this application.)

10. Please attach to this application a current certificate of good standing and a disciplinary certificate from the state(s) you are presently licensed to practice in.

**AFFIRMATION**

I certify that (1) the information on this form is true and accurate; (2) I am duly licensed and in good standing with the authority regulating the practice of law in the state or states listed above; (3) My license(s) are not the subject of suspension, disbarment, or other restrictions; (4) I will be temporarily practicing law in Louisiana on a volunteer basis in association with one of the six legal service providers listed in the Supplemental Rule; (5) All services to be performed will be under the authorization of the Supplemental Rule and will be at no charge, fee or expense to the client; (6) I am familiar with and have read the Louisiana Rules of Professional Conduct and the Emergency/Disaster Training Manual for Volunteer Lawyers; (7) I will not undertake to represent any person other than a client of one of the six legal service providers listed in the Supplemental Rule; (8) I shall not hold myself out in this state to be authorized to provide legal services to any person other than through the programs identified in the Supplemental Rule; (9) I will faithfully perform the duties of an attorney and I will not place my personal interests ahead of my client's interests; and (10) I will abide by and am subject to the Rules of Professional Conduct and I consent to the lawyer disciplinary jurisdiction of the State of Louisiana.

\_\_\_\_\_  
Signature of Attorney

\_\_\_\_\_  
Name of Attorney

Date: \_\_\_\_\_

Please return a copy of your completed application to the Office of Disciplinary Counsel, Louisiana Attorney Disciplinary Board, 4000 S. Sherwood Forest Boulevard, Suite 607, Baton Rouge, Louisiana 70816.