

# SUPREME COURT OF LOUISIANA

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## ORDER

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### TEMPORARY EMERGENCY *PRO BONO* CRIMINAL LEGAL ASSISTANCE RULE FOR ORLEANS PARISH

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 Immediate Past President of the Louisiana State Bar Association to promulgate a *pro bono* criminal legal assistance rule to permit non-admitted lawyers to render temporary *pro bono* criminal legal services to indigent persons arrested or charged with a crime or crimes in Orleans Parish,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

The following temporary rule shall govern the ability of non-admitted lawyers to provide *pro bono* criminal legal assistance.

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 *pro bono* criminal 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* criminal 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 on June 15, 2007.

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

- 1) must arise out of or be related to an arrest or charge for a crime or crimes alleged to have occurred in Orleans Parish;
- 2) must be rendered at the request of the Orleans Parish Indigent Defender Board or the Chief Indigent Defender responsible for the provision of indigent defender services in Orleans Parish;
- 3) shall consist exclusively of the representation of indigent clients;
- 4) shall be provided by the certified out-of-state *pro bono* practitioner without making any charge, fee or expense of any kind payable or reimbursable by the client;
- 5) may consist of representation within Louisiana courts and in administrative proceedings by enrolling as counsel of record on behalf of any person who is the subject of such an arrest or charge, but only if a Louisiana licensed supervising attorney 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 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 if the Louisiana licensed lawyer's judgment differs from that of the certified out-of-state *pro bono* practitioner.

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, residence address, principal business address, email address, telephone number, fax numbers, 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;
- 4) An affirmation executed by the attorney 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 executed by the attorney that he/she consents to the lawyer disciplinary jurisdiction of the State of Louisiana;

7) 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 as requested by the Orleans Parish Indigent Defender Board or its Chief Indigent Defender, and shall not hold himself or herself out in this state to be authorized to provide legal services to any person other than as requested; and

8) 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 laws or 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 termination date of this Order, unless extended or amended through future Orders of this court.

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This temporary, emergency *pro bono* criminal legal assistance rule shall become effective upon signing and shall remain in full force and effect through June 15, 2007, at which time this Order shall terminate, unless amended or extended through future Order of this Court.

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

For the Court:

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Pascal F. Calogero, Jr., Chief Justice

**APPLICATION FOR OUT-OF-STATE ATTORNEYS SEEKING TO  
RENDER *PRO BONO* ASSISTANCE PURSUANT TO THE TEMPORARY  
EMERGENCY *PRO BONO* CRIMINAL LEGAL ASSISTANCE RULE FOR ORLEANS PARISH**

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) All services to be performed will be under the authorization of the Temporary Emergency *Pro Bono* Criminal Legal Assistance Rule and will be at no charge, fee or expense to the client; (5) I have read and will abide by the Louisiana Rules of Professional Conduct; (6) I will not undertake to represent any person other than indigent clients, and as requested by the Orleans Parish Indigent Defender Board or its Chief Indigent Defender; (7) I shall not hold myself out in this state to be authorized to provide legal services to any person other than through the Temporary Emergency *Pro Bono* Criminal Legal Assistance Rule; (8) I will faithfully perform the duties of an attorney and I will not place my personal interests ahead of my client's interests; and (9) I agree that I am subject to the Rules of Professional Conduct and I consent to the lawyer disciplinary jurisdiction of the State of Louisiana.

\_\_\_\_\_  
Date

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

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