

State Bar Rules
Article XIII—New Opportunities Volunteer Attorney Pro Bono Program
As amended May 2018

Section 1. Definitions

- (A) “Program” is the New Opportunities Volunteer Attorney Pro Bono Program established by this article.
- (B) A “New Opportunities Volunteer Attorney” or “NOVA” is a person of any age who:
1. is an inactive or emeritus member of the State Bar or is licensed to practice law in another U.S. jurisdiction, even if inactive or retired; and
 2. meets the following conditions:
 - is in good standing with the State Bar or the entity that governs the practice of law in the jurisdiction where the attorney is licensed;
 - is in good standing with all courts and jurisdictions in which the attorney is admitted to practice;
 - agrees to abide by the Texas Disciplinary Rules of Professional Conduct and to submit to the disciplinary jurisdiction of the Supreme Court of Texas and the State Bar;
 - has not been disciplined for professional misconduct within the past 10 years and is not subject to a pending disciplinary proceeding;
 - provides legal services under the supervision of an approved legal service organization;
 - is not compensated for legal services rendered under the Program; and
 - complies with the policies and procedures of the Program.
- (C) An “approved legal service organization” must:
1. provide free legal services;
 2. maintain malpractice insurance for its NOVAs; and
 3. be either:
 - (a) a nonprofit that:
 - is funded in part by the Texas Access to Justice Foundation;

- is funded in part by the Legal Services Corporation;
 - is a current participant in the State Bar of Texas Malpractice Insurance Network Exchange; or
 - provides at least 50% of its legal services at no cost to Texans living at or below 200% of the federal poverty guidelines published annually by the U.S. Department of Health and Human Services;
- (b) a clinic or pro bono program of a Texas law school; or
- (c) a pro bono project or program of the State Bar or of a local or specialty bar association within Texas.

Section 2. Scope of Authority

A NOVA may engage in any activity necessary to resolve a legal matter for a client, including giving legal advice, preparing pleadings or other documents, and appearing before a court or tribunal. A NOVA need not be admitted pro hac vice to appear before a court while providing legal services under the Program. A NOVA may not represent him- or herself to be an active member of the State Bar.

Section 3. Compensation and Fees

- (A) A NOVA may not receive compensation for providing legal services under the Program, but an approved legal service organization may reimburse a NOVA for actual expenses incurred by the attorney.
- (B) A NOVA is exempt from paying the legal services fee mandated by Section 81.054(j), Government Code.
- (C) An approved legal service organization may charge the client for services provided by a NOVA and collect attorneys' or other fees awarded by a court or tribunal or as a part of a settlement.

Section 4. Administration

The State Bar may develop policies and procedures for the Program and is responsible for its administration.

Section 5. Discipline

A NOVA may be sanctioned or disciplined by a court or the State Bar in the same manner as an active member of the State Bar.

Section 6. MCLE Requirement

A NOVA must complete at least three hours of CLE annually.

Section 7. Authority of Approved Legal Service Organizations

An approved legal service organization is not required to:

- (A) accept any particular NOVA;
- (B) refer any case, a particular type of case, or a particular number of cases to any NOVA; or
- (C) take any action inconsistent with the rules, laws, regulations, policies, or procedures governing the organization's pro bono programs.