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**Proposed New Article XIII, State Bar Rules:
Volunteer Attorney Pro Bono Program**

ARTICLE XIII - Volunteer Attorney Pro Bono Program

Section 1. Purpose

Lawyers have a responsibility to provide competent legal services for all persons, including those unable to pay for such services. As one means of meeting these legal needs, the following Article establishing the Volunteer Attorney Pro Bono Program is adopted.

Section 2. Definitions

(A) A "volunteer attorney" is a person of any age who:

1. Is an inactive or emeritus member of the State Bar of Texas, or is licensed to practice law on active, inactive, emeritus, retired, or equivalent status in another state, territory, or the District of Columbia in the United States; and
2. Meets the following conditions:
 - a. Is in good standing with the State Bar of Texas or other entity governing the practice of law in another state, territory, or the District of Columbia;
 - b. Is in good standing with all courts and jurisdictions in which he or she is admitted to practice;
 - c. Agrees to abide by the Texas Disciplinary Rules of Professional Conduct and to submit to the jurisdiction of the Supreme Court of Texas and State Bar of Texas for disciplinary purposes, as defined by Article 10 of the Rules;
 - d. Has not been disciplined for professional misconduct within the past 10 years and has no pending disciplinary proceeding;
 - e. Volunteers through and is subject to the supervision of an approved legal service organization;
 - f. Neither asks for nor receives compensation of any kind for the legal services rendered under this program; and
 - g. Complies with the policies and procedures of the Volunteer Attorney Pro Bono Program of the State Bar of Texas.

(B) An "approved legal service organization" for the purposes of this article is an organization that provides free legal services, maintains malpractice insurance for its attorney volunteers, and is:

1. A Texas non-profit legal service organization that:
 - a. Is funded in part by the Texas Access to Justice Foundation;
 - b. Is funded in part by the Legal Services Corporation;
 - c. Is a current participant in the State Bar of Texas Malpractice Insurance Network Exchange; or
 - d. Provides at least 50% of its legal services at no cost to Texans living at or below 200% of the federal poverty guidelines as published annually by the United States Department of Health and Human Services; or
2. A Texas law school clinic or pro bono program; or
3. A pro bono project or program of the State Bar of Texas or bar association within Texas.

Section 3. Activities

A volunteer attorney of an approved legal service organization may engage in any activities necessary for resolving the legal matters of a client under this program, including but not limited to rendering legal advice, preparing pleadings or other documents, or appearing before any court, tribunal or arbitrator in this state without being admitted pro hac vice in the matter.

Section 4. Limitations

- (A) Volunteer attorneys are not, and shall not represent themselves to be, active members of the State Bar of Texas.
- (B) The prohibition against compensation for the volunteer attorney contained in Section 2(A)(2)(f) shall not prevent an approved legal service organization from:
 1. Reimbursing volunteer attorneys for actual expenses incurred while rendering services under this program;
 2. Charging for its services as it may otherwise properly charge; or
 3. Collecting and receiving attorneys' fees awarded by a court or tribunal, or as a part of a settlement, for representation rendered by the volunteer attorney.

Section 5. Administration

The State Bar of Texas shall have the authority to develop the policies and procedures for the Volunteer Attorney Pro Bono Program and is responsible for the administration of the program.

Section 6. Discipline

In addition to any proceedings and discipline that may be imposed by the Supreme Court of Texas or State Bar of Texas, volunteer attorneys are subject to the same disciplinary measures as any active member of the State Bar of Texas.

Section 7. Other Fees and MCLE

- (A) Volunteer attorneys are exempted from paying the legal services fee per Texas Government Code Section 81.054.
- (B) Volunteer attorneys are not required to be admitted pro hac vice under this Article and consequently need not pay the pro hac vice fee.
- (C) Volunteer attorneys are required to complete at least three hours of CLE annually.

Section 8. Authority of Approved Legal Service Organizations

No provision under this Article shall be interpreted to obligate an approved legal service organization to:

- (A) Accept a volunteer attorney as a volunteer with that organization;
- (B) Refer any cases, a particular type of case, or a particular number of cases to any volunteer attorney; or
- (C) Take any action inconsistent with applicable rules, laws, regulations, or other policies or procedures governing their pro bono programs.