


AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF
 MAJOR DISASTER

	Adopted Rule (8)	Considering Adoption (18)	Decided Not To Adopt (2)	Other Info
	(AZ, DE, IA, MO, NJ, OR TN and WA)	(AL, CA, DC, FL, GA, HI, IL, LA, MD, MN, MS, MT, NE, NH, NY, ND, TX and VA)	(MI and NC)	
AL		X		
AK				
AZ	Rule 39, Rules of the Supreme Court http://www.supreme.state.az.us/rules/2008%20Rules%20a/R-07-0017.pdf			
AR				
CA		X		In May 2008 the Board of Governors of the State Bar of California voted to recommend to the California Supreme Court that no action need be taken on the model court rule.
CT				No proposal pending.
DE	Supreme Court Rule 58  Rule Amendment 58 and DLRPC Rule 5.5.1			

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DC		X		DC Bar has established a working group to make recommendation to the Board of Governors. Rule 49 may already allow "temporary/intermittent practice".
FL		X		Florida is recommending adoption and new Rule 1-3.12 has been approved by The Florida Bar Board of Governors at their July 2008 meeting and the existing Rule 4-5.5 was changed to adopt the Model Court Rule. The Rule changes needs to be submitted to the Supreme Court of Florida for approval. The Florida Bar and the Supreme Court of Florida are in negotiations to change the cycle for submitting rule changes from 1 to 2 years. The Florida Bar anticipates submitting the next Rule package to the Supreme Court of Florida within the next 12-24 months.
GA		X		
HI		X		The Hawaii Supreme Court considered the ABA Model Rule on Major Disasters in March 2007 and referred the proposal to the court's Commission on Professionalism. The Commission has not reported back.
ID				
IL		X		Materials forwarded to the ISBA's Standing Committee on Professional Responsibility. Their next meeting is scheduled for February 8, 2008.
IA	Iowa Court Rules 31.17, 31.25 (Form 3) and Iowa Rule of Professional Conduct 32:5.5 Comment [14a] (May 14, 2007, effective			

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	immediately) http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf			
KS				
KY				
LA		X		Decided to use the ABA Model Court Rule as a starting point, but suggest modifications to the Court.
MD		X		Court of Appeals studying the issue.
MA				

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MI			X	On November 5, 2009 the Michigan Supreme Court decided not to publish for comment a proposed Major Disaster Rule.
MN		X		<p>The Minnesota State Bar Association filed a petition on July 13, 2009, recommending the adoption of the American Bar Association model rule on provision of legal services following the determination of a major disaster. The MN Sup. Ct. will consider the proposed rule without a hearing after soliciting and reviewing comments on the petition.</p> <p>Any individual wishing to provide a written statement in support of or in opposition to the proposed rules shall submit 12 copies of such statement addressed to Frederick Grittner, Clerk of the Appellate Courts, 305 Judicial Center, 25 Rev. Dr. Martin Luther King Jr. Blvd., St. Paul, Minnesota 55155, on or before Nov. 23, 2009.</p> <p>http://www.mncourts.gov/district/0/?page=NewsItemDisplay&item=47371</p>
MS		On November 27, 2007 the Special Panel on Rules Governing Admission to the Mississippi Bar submitted a report and Recommendations to the Mississippi Supreme Court. The panel recommended the adoption of new Mississippi Rules of Appellate Procedure Rule 46(f): Temporary Admission and Practice upon Declared Emergencies.		<p>On October 15, 2007, the Sup. Ct. of Mississippi adopted an Amendment to Rule 46 of the MS Rules of Appellate Procedure to include a provision for Pro Bono Publicus Attorneys. The purpose of Rule 46(f) is to permit and encourage attorneys who do not engage in the active practice of law in MS to provide legal representation to persons who cannot afford private legal services. See http://www.mssc.state.ms.us/Images/Opinion/143112.pdf</p> <p>Although Rule 46(f) doesn't quite emulate the</p>

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				Katrina Model Court Rule, it does facilitate deployment of out-of-state pro bono lawyers (whether or not there is a declared disaster).
MO	Adopted Rule effective January 1, 2008 http://www.mobar.org/data/esq07/oct19/corrected-order.pdf			
MT		X		STATE BAR OF MONTANA BOARD OF TRUSTEES September 17,2008 Regular Meeting The ABA has asked Bars with no reciprocity to consider a disaster plan that would allow for displaced lawyers to temporarily practice law in their respective states. A motion was made, and seconded, to table this item to the December 2009 board meeting; motion approved.
NE		X		Volunteer Lawyers Committee is studying.
NV				
NH		X		The NH Supreme Court Advisory Committee on Rules considered the ABA Model Court Rule and in March 2008 referred it to public hearing. http://www.courts.state.nh.us/committees/adv_iscommrules/mar2008m.pdf

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NJ	Rules Governing the Courts of the State of New Jersey (Effective September 1, 2008). Rule 1:21-10. Provision of Legal Services Following Determination of Major Disaster http://www.law.com/jsp/nj/PubArticleNJ.jsp?id=1202422998686			
NM				
NY		X		On June 30, 2007 the NY State Bar House of Delegates approved a Katrina Model Rule that is similar to the ABA Model Court Rule. On July 3, 2007 the rule was sent to the NY Court of Appeals for approval.
NC			On January 24, 2008 the North Carolina State Bar Issues Steering Comm. decided not to adopt. The Committee believed that existing provisions in the State's administrative rules and Rules of Professional Conduct are sufficient.	
ND		X		
OH				

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OR	Supreme Court Rule 146 http://www.publications.ojd.state.or.us/RULE146.htm			
PA				On PBA Ethics Committee Agenda for the Committee's February 19, 2008 meeting.
SC				
SD				
TN	Tenn. Sup. Ct. R. 47 (Effective January 1, 2010).			
TX		X		(Chief Justice Wallace Jefferson recently appointed Denise Davis as Chair of Task Force to study.)
UT				
VT				
VA		X		As of September 16, 2008, pending in the Virginia Supreme Court. http://www.vsb.org/site/regulation/provision-of-legal-services-following-determination-of-major-disaster
WA	Effective September 1, 2008 http://www.courts.wa.gov/court_Rules/proposed/2007Nov/APR27.doc			

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WV				
WI				
WY				

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