

**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 20 day of January 2006.

For the Court:

  
Pascal F. Calogero, Jr., Chief Justice