

Cite as 2011 Ark. 139

SUPREME COURT OF ARKANSAS

No. 11-192

IN RE PETITION FILED BY ARKANSAS
ACCESS TO JUSTICE COMMISSION
TO PERMIT NON-ADMITTED
ATTORNEYS TO PROVIDE PRO
BONO SERVICES

Opinion Delivered March 31, 2011

PER CURIAM

The Arkansas Access to Justice Commission petitioned this court to either amend the Arkansas Rules of Professional Conduct or to adopt an administrative order to permit attorneys licensed by another jurisdiction, but not admitted in Arkansas, to provide pro bono services in Arkansas.

As established by the petition, this practice is allowed in other states. *See* Ill. Sup. Ct. R. 756 (j) (Pro Bono Authorization for Inactive and Retired Status Attorneys and House Counsel) and Ga. Sup. Ct. R. 114-120 (Extended Public Service Program). The Arkansas Bar Association's Board of Governors and House of Delegates have endorsed the Commission's proposal.

We are persuaded that there is merit in allowing out-of-state licensed attorneys, who work under the auspices of legal services providers, to provide needed pro bono legal services. This practice will give in-house, corporate counsel the opportunity to volunteer in the community and will make justice more accessible to low-income Arkansans.

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We also conclude that the best approach is to adopt an administrative order. Administrative Order Number 15 shall be renamed, “Attorneys.” Current Administrative Order Number 15 shall be redesignated 15.1 and be entitled, “Qualifications and Standards for Attorneys Appointed to Represent Children and Parents.” The order we adopt today shall be designated 15.2 and be entitled, “Pro Bono Legal Services by Non-admitted Licensed Attorneys.”

We adopt, effective immediately, amended Administrative Order Number 15 as set out below and republish it.

ADMINISTRATIVE ORDERS

Number 15. Attorneys.

15.1. Qualifications and Standards for Attorneys Appointed to Represent Children and Parents.

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15.2. Pro Bono Legal Services by Non-admitted Licensed Attorneys.

(a) *Authorization to Provide Pro Bono Services.* Notwithstanding the limitations on practice for attorneys who are not licensed by the State of Arkansas, non-admitted attorneys are authorized to provide pro bono legal services in this state as set out in this order. This order constitutes legal authorization for purposes of Ark. R. Prof. Conduct 5.5 (d)(2).

(1) The attorney must be licensed in another state or the District of Columbia and be in good standing in that jurisdiction.

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(2) The attorney shall provide his or her services without charge or an expectation of a fee to persons of limited means who have been referred to the attorney by an authorized sponsoring entity as set out in subsection (b) and only through such referrals.

(3) The volunteer attorney shall complete any appropriate training required by the sponsoring entity and shall additionally comply with the Continuing Legal Education requirements of any state in which the attorney holds a current license to practice law.

(4) If the volunteer attorney's services for a client require a court appearance, the attorney shall comply with the appearance requirements of Rule XIV of the Rules Governing Admission to the Bar and/or the procedure of the applicable forum, even if the attorney resides inside the State of Arkansas.

(5) The volunteer attorney agrees to be bound and subject to all applicable Arkansas Rules of Professional Conduct.

(b) *Sponsoring Entity*. When providing pro bono services pursuant to this provision, attorney's representation shall be under the auspices of a sponsoring entity. The sponsoring entity shall be a legal aid services provider that represents Arkansas clients, namely Legal Aid of Arkansas, Inc., Center for Arkansas Legal Services, Inc., Lone Star Legal Aid, Inc., or such other entity as may be approved by the Arkansas Supreme Court, and shall:

(1) make the volunteer attorney aware of the sponsoring entity's resources that may be of assistance to the attorney;

(2) maintain a log on an annual basis of all volunteer attorneys providing legal services through that sponsoring entity; and

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(3) provide professional malpractice insurance covering the volunteer attorney's services if the volunteer attorney is not otherwise covered by professional malpractice insurance.