

State Emeritus Pro Bono Practice Rules

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American Bar Association
Commission on Law and Aging
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Emeritus pro bono practice rules encourage retired and inactive attorneys to volunteer to provide pro bono assistance to clients unable to pay for essential legal representation. Currently 44 jurisdictions have adopted emeritus pro bono rules waiving some of the normal licensing requirement for attorneys agreeing to limit their practice to volunteer service. The following chart contains essential details of the current rules.

For more information see:

Performance Data on Emeritus Pro Bono Practice Rules

http://www.americanbar.org/content/dam/aba/administrative/law_aging/EmeritusAttorneyProBonoPracticeRulesProjectReport.authcheckdam.pdf

Emeritus Attorney Programs: Best Practices and Lessons Learned

http://www.americanbar.org/content/dam/aba/administrative/law_aging/emergitus_best_practices_9_27.authcheckdam.pdf

State Emeritus Pro Bono Practice Rules

State (Adopted/Amended)	Age Restriction	Years of Practice Required	Attorneys Eligible (Retired, Inactive, Other)	Out-of-State License Allowed	Dues Waived	MCLE Waived	Required to Work with a Certified Legal Services Program	Direct Supervision Required	Malpractice Insurance Mentioned in the Rule	Contact
Alabama (2008) Rule 6.6	None	None	Inactive	No	Reduced	No	Yes	No	No	Linda L. Lund, Director Volunteer Lawyers Program Alabama State Bar P. O. Box 671 Montgomery, Alabama 36101
Alaska (2007) Bar Rule 43.2	None	None	Retired or inactive	No	Waived	n/a	Yes	No	Yes program must disclose coverage	Krista Scully Pro Bono Director Alaska Bar Association
Arizona (2009) (2012) A.R.S. Sup.Ct.Rules, Rule 38(e)	None	At least 5	Retired, inactive, or otherwise not able to practice law in the state of Arizona	Yes	Reduced	Waived	Yes	Yes	Yes (must disclose existence and extent of malpractice coverage)	Kim Bernhart Arizona Foundation for Legal Services and Education 4201 N. 24th St., Suite 210 Phoenix, Arizona 85016
Arkansas (2001, 2011) Order 15.2	None	None	Out of state only	Only	Waived	No	Yes	Yes	Yes	Administrative Office of the Courts 625 Marshall Street Suite 1100 Little Rock, AR 72201

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California (2011) Title 3 Division 2 Chapter 6 State Bar Regulation Rules & Regs 3.2.6	None	At least 3 with 3 of last 5 in CA	Inactive	No	Waived (Must act exclusively as pro bono practice attorneys for an entire calendar year)	No, may be reduced	Yes	“Adequate supervision required”	No mention	Michael Dayao State Bar of California The State Bar of California 180 Howard Street San Francisco, CA 94105
Colorado (2014) C.R.C.P. 204.6	None	None	Inactive for in-state license; Active or inactive for out-of-state license	Yes	No fee if attorney provided pro bono services within previous 12 months, otherwise must pay inactive fee for previous calendar year	Waived	No	No	No mention	Kathleen M. Schoen Director, Local Bar Relations & Access to Justice Colorado Bar Association 1900 Grant St, Ste 900 Denver, CO 80203
Connecticut (2014) Rule 6.1 Rule 2-27A (MCLE) Rule 2-55 (Retirement)	None	None	Retired	No	Client security fund fee is waived if attorney is only performing pro bono work	Waived, as long as attorney earns less than \$1000 for the provision of legal services in the year	Yes	Yes	No mention	Ms. Ndidi Moses Pro Bono Chair US Attorneys Office 157 Church St, Fl 25 New Haven, CT 06510

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Delaware (2003) Supreme Court Rule 69	For emeritus: 65 or older (or, waiver granted by Supreme Court) For retired or inactive: none	None	Inactive, Retired, Emeritus	No	Waived (Supreme Court registration fee still required)	Waived	Emeritus: No (any nonprofit organization (§501(c)(3)), religious organizations, educational, governmental institutions and clients that inactive attorneys may represent) Retired and Inactive: Only enumerated organizations in Rule 69.	No	No mention	Susan Simmons Director of Continuing Legal Education Delaware State Bar Association 405 N. King St., Suite 100 Wilmington, DE 19801
District of Columbia (2011) Rule 49 (c)(9)	None	None	Retired, or inactive	Yes,	Waived for retired.	N/A	Yes	Yes	No mention	Rebecca K. Troth Pro Bono Center Executive Director The District of Columbia Bar 901 4th Street, NW Washington, DC 20001

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Florida (2018) Bar Rule 12-1	None	10 of the last 15 years	Inactive*, Retired *Inactive status must be voluntary, not due to incapacity, discipline, or failure to pay bar fees or complete CLE.	Yes (Unless the person has failed the FL bar exam ≥3 times)	No	Waived (for inactive members)	Yes	Yes	(Legal Aid Program must file Petition for approval which must detail the existence and extent of malpractice insurance that will cover the emeritus attorney)	Francisco Digon-Greer The Florida Bar 651 E. Jefferson St. Tallahassee, FL 32399
Georgia (1995) Bar Rule 1-202(d)	70 or older	25 years, at least 5 years good standing of the State Bar of Georgia	Retired	No	Waived	Waived at age 70	Yes (cases referred by a pro bono program recognized by the State Bar's Pro Bono Project or nonprofit legal service program)	No	No mention	Michael Monahan Pro Bono Director State Bar of Georgia 104 Marietta St. NW Suite 100 Atlanta, GA 30303

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Hawaii (2007) Supreme Court Rule 20 http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm#Rule_20	None	None	Inactive	No	Reduced (to inactive rate)	N/A	Yes	No	Yes (legal service organization must provide malpractice coverage)	Patricia Mau-Shimizu Executive Director Hawaii State Bar Association Alakea Corporate Tower 1100 Alakea St., Ste 1000 Honolulu, HI 96813
Idaho (2016) Bar Rule 228	None	Licensed in any state within preceding 5 years	Retired, inactive	Yes	Reduced; \$150	No	Yes	Yes	Yes (legal service agency must disclose existence and extent of coverage)	Diane Minnich Executive Director Idaho State Bar 525 W. Jefferson Street Boise, ID 83702 Sue Pierson Legal Director Idaho Volunteer Lawyers Program 525 W. Jefferson Street Boise, ID 83702
Illinois (2018) Supreme Court Rule 756	None	None	Retired, inactive, or licensed in another state	Yes	Waived for retired; Reduced for inactive	Waived (must agree to participate in training by sponsor)	Yes	No	Yes (must be provided by the legal service agency)	Samira A. Nazem Director of Pro Bono The Chicago Bar Foundation 321 South Plymouth Ct. Suite 3B Chicago, IL 60604
Indiana (No Rule Jan. 2019)										

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Iowa (2017) Rule 31.19	None	None	Retired, inactive, or active	Yes	Waived	Waived only for the year in which the lawyer is first certified under Rule 31.19	Yes	Requires “general supervision” of legal services program	Legal service program must disclose existence and extent of coverage	Nick Smithberg Iowa Legal Aid 1111 9th Street, Ste. 230 Des Moines, Iowa 50314 Christine M. Luzzie Iowa Legal Aid 1700 S. 1st Avenue Suite 10 Iowa City, IA 52240
Kansas (2013) Rule 208	None	None	Retired or inactive	No	Yes (for retired attorneys age 66 or over on or before July 1)	Waived	Yes	No	No mention	Marilyn Harp Executive Director Kansas Legal Services, Inc. 712 S. Kansas, Suite 200 Topeka, KS 66603 <i>Kansas Attorney Registration</i> Kansas Judicial Center 301 SW. 10th Ave Room 374 Topeka, KS 66612
Kentucky (2018) SCR 3.030(4) SCR 3.665(2)(a)(iii)	70 or older	No	“Senior Retired Inactive Member” (70 years old, no longer actively practicing law)	No	Waived	Waived	Yes	No	No mention	John D. Meyers Executive Director Kentucky Bar Association 514 W. Main Street Frankfort KY

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Louisiana (No Rule Jan. 2019)										
Maine (2015) Rule 4(f) and Rule 5(a)(5)*	None	None	Inactive or Retired (filed notice to discontinue the practice of law)	No	Yes	Waived	Yes	No	No mention	Jacqueline Rogers Executive Director Maine Board of Overseers of the Bar 97 Winthrop Street P. O. Box 527 Augusta, Maine 04332
Maryland (2018) Rule 19-605	None	None	Retired or inactive	No	Waiver of client protection fund	N/A	Yes	No	No mention	Sharon Goldsmith Executive Director Pro Bono Resource Center of Maryland 520 West Fayette Street Baltimore, MD
Massachusetts (2013) Supreme Court Judicial Rule 4:02(8)	None	None	Retired or inactive	No	Waived for retired; Reduced for inactive	N/A	Yes	No	No mention	Office of Bar Counsel Mass. Board of Bar Overseers 99 High Street 2nd Floor Boston, MA 02110 https://www.massbbo.org/AttorneyType
Michigan (No rule Jan2019)										

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Minnesota (2013) State Board of Continuing Legal Education Rule 14	None	None	Retired (Emeritus status expires after three years, must re-apply)	No	Yes	Reduced	Yes	No	No mention	
Mississippi (2012) Appellate Procedure Rule 46(f)	None	None	Inactive or licensed in another state	Yes	No	No	Yes	Yes	Legal services program must certify existence of professional liability insurance coverage	Melissa Selman Scott Deputy General Counsel Mississippi Bar Association 643 North State Street Jackson, MS 39202 Gayla Carpenter-Sanders Executive Director Miss. Volunteer Lawyers Project 1635 Lelia Dr., Ste. 101 Jackson, MS 39216 gsanders@mvlp.org
Missouri Proposed amendment effective in 2020) Missouri Supreme Court Rule 6					Waived					Supreme Court of Missouri 207 West High Street Jefferson City, Missouri 65101

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Montana (2006) Bar Rule Art. 1 §3(g) Rules for Continuing Legal Education Rule 4(B)	None	10 of the last 15 or has judicial status	Retired or inactive (and must complete 25 hours of pro bono per year)	No	Yes	10 hours instead of 15 Waives CLE filing fees	Yes (25 hour minimum per year)	No	No mention	Ann Goldes-Sheahan Equal Justice Coordinator State Bar of Montana 33 S. Last Chance Gulch, Suite 1B Helena, MT 59624
Nebraska (No rule Jan. 2019)										
Nevada (2008) Supreme Court Rule 49.2	None	None	Inactive in state; Active or inactive out of state	Yes	Reduced for inactive	Yes (waived for inactive members Rule 214)	Yes	No	Legal Services program must disclose if they have coverage	Brad Lewis Director, NV Supreme Court Access to Justice Commission State Bar of Nevada 3100 W. Charleston Blvd. Suite 100 Las Vegas, NV 89102
New Hampshire (2003) By-Laws of the New Hampshire Bar Association Article II Section 8	None	None	Not otherwise engaged in the practice of law ("Limited Active Membership Status")	No	Reduced at least 90%	No	Yes	No	No mention	Ginny Martin Legal Services Director New Hampshire Bar Association 22 Pillsbury St., Ste. 300 Concord, NH 03301

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New Jersey (2017) Rule 1:21-3(C)	None	None	*Active out-of-state license <i>only</i>	Yes, out-of-state license <i>only</i>	No	No	Yes (an organization described in R. 1:21-1(e) Legal Assistance Organizations)	Yes	No mention	Diane K. Smith Co-Chair of Pro Bono Standing Committee Legal Services of Northwest Jersey 34 W. Main Street, Ste. 301 Somerville, NJ 08876
New Mexico (2016) Rule 15-301.2	None	None	Inactive in state; Active or inactive if licensed in another state	Yes	Reduced	No	Yes	No	No mention	Hon. Sarah M. Singleton Chair, New Mexico Access to Justice Commission 5121 Masthead St NE Albuquerque., NM 87109
New York (2010) Rule 22 NYCRR § 118.1(g)	55 or older	At least 10	Retired or Active (*Must commit to minimum 30 hours per year of pro bono)	No	Waived, if Retired; Not waived, if Active	Waived if Retired; Not waived if Active (Up to 15 hours CLE can be earned through host agency)	Yes	Yes	Yes (must be provided by host agency)	Fern Schair, Chair of the Attorney Emeritus Advisory Board New York State Courts Access to Justice Program 111 Centre St. Room 1240 New York, NY 10013

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North Carolina (2014) N.C. Bar Rule 27 N.C.A.C 1A .0201(c)(1)(B) , .0201(c)(2)(F) , 27 N.C.A.C. 1D .1518 .09010(b)(3) , .0905	None	None	Inactive or Retired (“Emeritus pro bono status”)	Yes	Yes	Waived	Yes	Yes	No mention	Tom Lunsford Executive Director North Carolina State Bar 217 East Edenton Street Raleigh, NC 27601
North Dakota (2009) Supreme Court Rule 3.1	None	Active 5 out of the past 10 years	Volunteer practice only (“Rule 3.1 Lawyer”)	Yes	Yes	Waived, if out of state attorney (except as required by pro bono program) No, if licensed in ND	Yes	Yes	Legal service agency must disclose existence and extent of coverage	Penny Miller Clerk North Dakota Supreme Court Judicial Wing, First Fl. 600 E. Boulevard Ave. Bismarck, ND 58505
Ohio Supreme Court Rules for the Government of the Bar of Ohio (Gov. Bar R. VI, Section 8 t) Effective January 1, 2019.	None	15 years	Inactive	No	Reduced from \$350 to \$75 for two years	No	Yes	No	Yes, must be provided by the host	Gina White Palmer Attorney Services Director Ohio Supreme Court 65 South Front Street, Fifth Floor Columbus, OH 43215-3431
Oklahoma (No rule Jan 2019)										

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<p>Oregon (2008) Bar Rule 6.1; Bylaw 6.101 OR Active Pro Bono Info</p> <p>Rules for Admissipn of Attorneys Rule 17.05</p> <p>Out-of-state active pro bono attorney application</p>	None	None for OR attorneys 15 years for out-of-state attorneys	Volunteer practice only (The Executive Director or designee is authorized to determine members' eligibility for Active Pro Bono status and this determination is final.)	Yes (provides admission on motion with 15 years for active pro bono)	Reduced to inactive fee for OR attorneys; one-time investigation fee of \$425 for out-of-state attorneys	Yes	Yes	No	Must obtain coverage through the Professional Liability Fund or the program referring the pro bono cases	<p>William Penn Assistant Director Legal Services Program</p> <p>Oregon State Bar 16037 SW Upper Boones Ferry Rd Tigard, OR 97224</p>
<p>Pennsylvania (2018) Rules of Disciplinary Enforcement-Rule 403</p>	None	None	Retired, inactive	No	Reduced	No	Yes	Yes	Must be provided by legal services program	<p>Paul J. Killion Chief Disciplinary Counsel Pennsylvania Judicial Center 601 Commonwealth Avenue, Suite 2700 P.O. Box 62485 Harrisburg, PA 17106</p>
<p>Rhode Island (No Rule Jan 2018)</p>										

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South Carolina (2013) Supreme Court Rule 415 ; Rule 408(a)(2)(F)	None	None	Retired or inactive	Yes	Yes	Yes	Yes	Yes	No mention	Brenda F. Shealy Deputy Clerk of Court Supreme Court Building 1231 Gervais Street Columbia, SC 29201 Justice John Cannon Few, Chair South Carolina Access to Justice Commission 1231 Gervais Street Columbia, SC 29201
South Dakota (2008) South Dakota Codified Law, SDCL 16-17.4.1 .	None	None	Retired	No	Reduced to inactive	No	Yes	No	No mention	Andrew L. Fergel Executive Director State Bar of South Dakota 222 E Capitol Avenue #3 Pierre, SD 57501
Tennessee (2010) Supreme Court Rule 50A Justice for All TN Supreme Court Initiative	None	5 out of the last 10 years, or engaged in the active practice of law for at least 25 years	Inactive, retired	Yes	Yes	No	Yes	Yes	Yes (legal service agency must disclose the existence and extent of coverage)	Anne-Louise Wirthlin Access to Justice Coordinator TN Courts System Admin. Office of the Courts 511 Union Street Nashville, TN 37219

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Texas (2008) State Bar Rule, Article XIII New Opportunities Volunteer Attorney (NOVA) Program	None	None	Retired, inactive	Yes	Yes	Reduced	Yes	Yes	Yes (provided by legal services program)	Texas Law Center 1414 Colorado St. Austin, TX 78701
Utah (1996) Utah Bar Rules, Rules 14-110 , 14-203 , 14-803 , 14-4015	For “inactive emeritus,” , at least 75 years of age)or at least 50 years of practice)	For “inactive emeritus,” ” at least 50 years of practice (or at least 75 years of age)	“Inactive Emeritus” (active 50 for years or at least 75 years of age) or Inactive	Yes	Reduced if Inactive;Waived if Inactive Emeritus	Waived	Yes	Yes	No mention	Karolina Abuzyarova Utah State Bar Access to Justice Department
Vermont (2017) Administrative Order No. 41 §11 Vermont Judiciary Attorney Licensing Information	None	None	Active, Retired, Inactive	Yes	Yes	No	Yes	Yes	No mention	Andrew R. Strauss Licensing Counsel Office of Attorney Licensing Costello Courthouse 32 Cherry Street, Ste. 213 Burlington, VT 05401

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Virginia (2017) Supreme Court Rule 3 (e)	None	20 or more years, and active 5 of last 7 years	Retired	No	Yes	No	Yes	No	No mention	Crista Gantz Pro Bono Director Virginia State Bar 1111 E. Main St., Ste. 700 Richmond, VA 23219 Debra Isley Emeritus Membership Contact Virginia State Bar 1111 E. Main St., Ste. 700 Richmond, VA 23219
Washington (1998) Admission and Practice Rule, APR 3(g) Washington State Bar Association Emeritus Pro Bono Information	None	5 of the last 10 if in-state	Retired	No	Reduced	Waived	Yes	No	No mention	Diana Singleton Access to Justice Board Manager Washington State Bar Association 1325 Fourth Ave., Ste. 600 Seattle, WA 98101
West Virginia (2006) Bar Rule Bylaws Article II § 11	None	At least 10 years	Retired, Inactive., Active but not practicing	Yes	Yes	Yes	Yes	Yes	No mention	Anita R. Casey Executive Directpr West Virginia State Bar 2000 Deitrick Blvd. Charleston, WV 25311

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Wisconsin 2017 Supreme Court Rule 10.03(3)	For emeritus members, at least 70 years of age	Actively practice for last two years	RActive	Yes	Yes	Waived	No	No	No mention	Annette Ashley Member Services Director Wisconsin State Bar 5302 Eastpark Blvd. Madison, WI 53718
Wyoming (2013)(2014) State Bar Bylaws Article I § 3 (h) Wyoming Emeritus Attorney Program	None	None	Any attorney in good standing	No	Yes	Reduced	Yes- matched with clients through Wyoming State Bar's Emeritus Program	No	Yes (provided by emeritus program)	Cathy Duncil Admissions Director/Pro Bono Coordinator Wyoming State Bar 4124 Laramie Street Cheyenne, WY 82001