

**RULES OF PROFESSIONAL CONDUCT
PUBLIC SERVICE.**

Indiana Rules of Professional Conduct 6.5 (2001)

Rule 6.5. Voluntary attorney pro bono plan.

(a) The purpose of this voluntary attorney pro bono plan is to promote equal access to justice for all Indiana residents, regardless of economic status, by creating and promoting opportunities for attorneys to provide pro bono civil legal services to persons of limited means, as determined by each district pro bono committee. The voluntary pro bono attorney plan has the following goals:

(1) To enable Indiana attorneys to discharge their professional responsibilities to provide pro bono services;

(2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana.

(3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new pro bono programs where needed and (ii) supporting and improving the quality of existing pro bono programs.

(4) To foster the growth of a public service culture within the Indiana Bar which values pro bono publico service.

(5) To promote the ongoing development of financial and other resources for pro bono organizations in Indiana.

(b) There is created a twenty-one (21) member Indiana Pro Bono Commission (the "Commission") the members of which shall be appointed by the Supreme Court and the president or the Indiana Bar Foundation ("Foundation"). In appointing members to the Commission, the Supreme Court and the Foundation should seek to ensure that members of the Commission are representative of the different geographic regions and judicial districts of the state, and that the members possess skills and experience relevant to the needs of the Commission.

(1) The Supreme Court shall appoint eleven (11) members as follows:

(i) One (1) trial judge and one (1) appellate judge;

(ii) Two (2) representatives of pro bono organizations or other legal assistance organizations;

(iii) Three (3) representatives from local bar associations; including one representative from a minority bar association;

(iv) One (1) representative each from two of the four (4) Indiana law schools accredited by the American Bar Association;

(v) One (1) representative of a certified provider of continuing legal education services in the state;

(vi) One (1) representative from the community-at-large with experience in assisting persons of limited means.

(2) The President of the Indiana Bar Foundation shall appoint ten (10) members as follows:

(i) Three (3) members of the Indiana State Bar Association;

(ii) Two (2) members of the Indiana Bar Foundation;

(iii) One (1) representative each from two of the four (4) Indiana law schools accredited by the American Bar Association;

(iv) One (1) member of the Indiana State Bar Association Pro Bono Committee;

(v) Two (2) representatives of pro bono organizations or other civil legal assistance organizations;

(3) No more than three of these appointments under (1) and three under (2) may be officers, directors or employees of organizations organized primarily for providers of pro bono legal services or other legal services for the indigent..

(4) The Supreme Court shall designate the chair of the Commission from among the appointed members. The Executive Director of the Indiana Bar Foundation shall serve as a non-voting ex-officio member of the Commission.

(5) The Commission shall operate as a program within the Foundation. Members of the Commission shall serve for three (3)-year terms, except that for the initial appointments, four (4) members appointed by the Supreme Court shall serve for one (1)-year terms, four (4) members appointed by the president shall serve for one (1)-year terms, four (4) members appointed by the Supreme Court shall serve for two (2)-year terms, and three (3) members appointed by the president shall serve for two (2)-year terms. Members may be removed by the appointing authority. The appointing authority shall fill any vacancy caused by resignation, removal or otherwise, as it occurs, for the remainder of the vacated term. Members shall not serve for more than two (2) consecutive terms.

(c) The Foundation shall have the overall responsibility and authority for management of the voluntary attorney pro bono plan. The Foundation's authority and responsibility shall include making funding decisions and disbursing available funds to pro bono organizations projects upon recommendations of the Commission.

(d) The Commission shall undertake those tasks delegated to it by the Foundation which are reasonable and necessary to the fulfillment of the Commission's purpose. The Commission, subject to the approval of the Foundation, shall have the responsibility and authority to supervise the district pro bono committees. The Commission shall make funding recommendations to the Foundation in response to district committee pro bono plans and funding requests. The Commission may, with the consent of the Foundation, incorporate as a non-profit corporation.

(e) The Commission is not authorized to raise funds for itself, other than from IOLTA, in a manner which adversely affects the fund-raising capabilities or reduces the funding of any civil legal assistance provider. With the consent of the Foundation, the Commission is authorized to raise funds for itself, other than from IOLTA, in order to fund its usual and reasonable start-up expenses.

(f) There shall be one district pro bono committee in each of the fourteen judicial districts of Indiana referenced by Ind. Administrative Rule 3(A) . In each judicial district, a judge designated by the Supreme Court shall appoint and convene the initial district pro bono committee within

ninety (90) days from the enactment of this rule and the committee shall appoint its chair, all in accordance with the following provisions:

(1) Each district pro bono committee shall be composed of:

(A) the judge designated by the Supreme Court to preside;

(B) to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and

(C) at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

(2) Governance of each district pro bono committee and terms of service of the members thereof shall be determined by each committee. Replacement and succession members shall be appointed by the judge designated by the Supreme Court.

(g) To ensure an active and effective district pro bono program each district committee shall do the following:

(1) prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;

(2) select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;

(3) implement the district pro bono plan and monitor its results;

(4) submit an annual report to the Commission; and

(5) submit the plan and funding requests for individual pro bono organizations/projects to the Commission.

(6) forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

(h) To encourage more lawyers to participate in pro bono activities, each district pro bono plan should provide various support and educational services for participating pro bono attorneys, which, to the extent possible, should include:

(1) providing intake, screening, and referral of prospective clients;

(2) matching cases with individual attorney expertise, including the establishment of specialized panels;

(3) providing resources for litigation and out-of-pocket expenses for pro bono cases;

(4) providing legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service;

(5) providing the availability of consultation with attorneys who have expertise in areas of law with respect to which a volunteer lawyer is providing pro bono civil legal service;

(6) providing malpractice insurance for volunteer pro bono lawyers with respect to their pro bono civil legal service;

(7) establishing procedures to ensure adequate monitoring and follow-up for assigned cases and to measure client satisfaction;

(8) recognizing pro bono civil legal service by lawyers; and

(9) providing other support and assistance to pro bono lawyers.

(i) The district pro bono plan may include opportunities such as the following:

(1) representing persons of limited means through case referral;

(2) representing persons of limited means through direct contact with a lawyer when the lawyer, before undertaking the representation, first determines client eligibility based on standards substantially similar to those used by legal assistance providers;

(3) representing community groups serving persons of limited means through case referral;

(4) interviewing and determining eligibility of prospective pro bono clients;

(5) acting as co-counsel on cases or matters with civil legal assistance providers and other pro bono lawyers;

(6) providing consultation services to civil legal assistance providers for case reviews and evaluations;

(7) providing training to the staff of civil legal assistance providers and other volunteer pro bono attorneys;

(8) making presentations to persons of limited means regarding their rights and obligations under the law;

(9) providing legal research;

(10) providing guardian ad litem services;

(11) serving as a mediator or arbitrator to the client-eligible party; and

(12) providing such other pro bono service opportunities as appropriate.

HISTORY: Added October 22, 1997, effective February 1, 1998.