

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

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MARYLAND RULES OF PROCEDURE
TITLE 16 - COURTS, JUDGES, AND ATTORNEYS
CHAPTER 900 - PRO BONO LEGAL SERVICE

ADD new Rule 16-901, as follows:

Rule 16-901. STATE PRO BONO COMMITTEE AND PLAN

(a) Standing Committee on Pro Bono Legal Service

(1) Creation

There is a Standing Committee of the Court of Appeals on Pro Bono Legal Service.

(2) Members

The Standing Committee consists of 13 members appointed by the Court of Appeals, as follows:

(A) eight members of the Maryland Bar, including one from each appellate judicial circuit and one selected from the State at large;

(B) a circuit court judge selected from among at least three nominees submitted by the Conference of Circuit Judges;

(C) a District Court judge selected from at least three nominees submitted by the Chief Judge of the District Court;

(D) the Public Defender or a designee of the Public Defender;

(E) a representative from a legal services provider organization who

does not serve on a Local Pro Bono Committee; and

(F) a member of the general public.

(3) Terms; Chair

The Court of Appeals shall fix the terms of the members and designate one of the members as the chair.

(4) Consultants

The Standing Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means.

(b) Duties of the Standing Committee

The Standing Committee shall:

(1) develop standard forms for use by the Local Pro Bono Committees in developing and articulating the Local Pro Bono Action Plans and making their annual reports;

(2) recommend uniform standards for use by the Local Pro Bono Committees to assess the need for pro bono legal services in their communities;

(3) review and evaluate the Local Pro Bono Action Plans and the annual reports of the Local Pro Bono Committees;

(4) collect and make available to Local Pro Bono Committees information about pro bono projects;

(5) at the request of a Local Pro Bono Committee, provide guidance

about the Rules in this Chapter and Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct;

(6) file with the Court of Appeals an annual report and recommendations about the implementation and effectiveness of the Local Pro Bono Action Plans, the Rules in this Chapter, and Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct; and

(7) prepare a State Pro Bono Action Plan as provided in section (c) of this Rule.

(c) State Pro Bono Action Plan

(1) Generally

Within three years after the effective date of this Rule, the Standing Committee shall submit to the Court of Appeals a State Pro Bono Action Plan to promote increased efforts on the part of lawyers to provide legal assistance to persons of limited means. In developing the Plan, the Standing Committee shall:

(A) review and assess the results of the Local Pro Bono Action Plans;

(B) assess the data generated by the reports required by Rule 16-903;

(C) gather and consider information pertinent to the existence, nature, and extent of the need for pro bono legal services in Maryland; and

(D) provide the opportunity for one or more public hearings.

(2) Contents

The State Pro Bono Action Plan may include a recommendation for increasing or decreasing the aspirational goals for pro bono publico

legal service set forth in Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct. The Plan should include suggestions for the kinds of pro bono activities that will be most helpful in meeting the need for pro bono legal service throughout the State and should address long-range pro bono service issues.

Committee note: Examples of long-range issues that may be addressed include opportunities for transactional lawyers, government lawyers, business lawyers, and in-house counsel to render pro bono legal service; opportunities for pro bono legal service by lawyers who are unable to provide direct client representation; "collective responsibility" for pro bono legal service when a law firm designates certain lawyers to handle only pro bono matters; and encouraging pro bono legal service among law students and in the legal academic setting.

(d) Publication

The Clerk of the Court of Appeals shall cause the State Action Plan submitted by the Standing Committee to be published in the Maryland Register and such other publications as the Court directs and shall establish a reasonable period for public comment.

(e) Consideration by the Court of Appeals

After the comment period, the Court of Appeals shall hold a public hearing and take appropriate action on the Plan.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 900 - PRO BONO LEGAL SERVICE

ADD new Rule 16-902, as follows:

Rule 16-902. LOCAL PRO BONO COMMITTEES AND PLANS

(a) Local Pro Bono Committees

(1) Creation

There is a Local Pro Bono Committee for each county.

(2) Members

(A) The Local Pro Bono Committee consists of no more than 11 members, as follows:

(i) the District Public Defender for the county or an assistant public defender selected by the District Public Defender;

(ii) at least three but no more than five lawyers, appointed by the president of the county bar association, who practice in the county and at least one of whom is an officer of the county bar association;

(iii) at least two but no more than three representatives nominated by legal services organizations and pro bono referral organizations that provide services in the county and selected by the County Administrative Judge and the District Administrative Judge; and

(iv) at least one but no more than two persons from the

general public, appointed jointly by the County Administrative Judge and the District Administrative Judge.

(3) Chair

The Committee shall elect a member to serve as chair.

(4) Consultants

The Committee may designate a reasonable number of consultants from among court personnel or representatives of other organizations or agencies concerned with the provision of legal services to persons of limited means.

(b) Duties of the Committee

The Local Pro Bono Committee shall:

(1) assess the needs in the county for pro bono legal service, including the needs of non-English speaking, minority, and isolated populations;

(2) determine the nature and extent of existing and proposed free or low-cost legal services, both staff and volunteer, for persons of limited means in the county;

(3) establish goals and priorities for pro bono legal service in the county;

(4) prepare a Local Pro Bono Action Plan as provided in section (c) of this Rule;

(5) in accordance with the policies and directives established by the Standing Committee or the Court of Appeals, implement or monitor the implementation of the Plan; and

(6) submit an annual report about the Plan to the Standing

Committee.

(c) Local Pro Bono Action Plans

(1) Generally

The Local Pro Bono Committee shall develop, in coordination with existing legal services organizations and pro bono referral organizations that provide services in the county, a detailed Local Pro Bono Action Plan to promote pro bono legal service to meet the needs of persons of limited means in the county. The Plan shall be submitted to the Standing Committee within one year after creation of the Local Committee. With the approval of the Standing Committee, a single joint Pro Bono Action Plan may be developed for two or more adjoining counties, by collaboration of the Local Pro Bono Committees.

(2) Contents

The Local Pro Bono Action Plan shall address the following matters:

- (A) screening applicants for pro bono representation and referring them to appropriate referral sources or panels of participating attorneys;
- (B) establishing or expanding attorney referral panels;
- (C) continuing and supporting current services provided by existing pro bono and legal services organizations;
- (D) a procedure for matching cases with individual attorney expertise, including specialized panels;
- (E) support for participating attorneys, including

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

(ii) providing or supplementing legal malpractice insurance for participating attorneys;

(iii) providing legal education and training for participating attorneys in specialized areas of the law relevant to pro bono legal service, including consultation services with attorneys who have expertise in areas of law in which participating attorneys seek to provide pro bono service; and

(iv) recommending court scheduling and docketing preferences for pro bono cases;

(F) methods of informing lawyers about the ways in which they may provide pro bono legal service;

Committee note: Ways in which lawyers may provide pro bono legal service include assisting in the screening and intake process; interviewing prospective clients and providing basic consultation; participating in pro se clinics or other programs in which lawyers provide advice and counsel, assist persons in drafting letters or documents, or assist persons in planning transactions or resolving disputes without the need for litigation; representing clients through case referral; acting as co-counsel with legal service providers or other participating attorneys; providing consultation to legal service providers for case reviews and evaluations; training or consulting with other participating attorneys or staff attorneys affiliated with a legal service provider; engaging in legal research and writing; and, if qualified through training and experience, serving as a mediator, arbitrator, or neutral evaluator.

(G) coordinating implementation of the Plan with the courts, county bar associations, and other agencies and organizations;

(H) the number of hours of pro bono legal services needed

annually to meet the needs of persons of limited means in the county; and

(I) programs to recognize lawyers who provide pro bono legal services.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURTS, JUDGES, AND ATTORNEYS

CHAPTER 900 - PRO BONO LEGAL SERVICE

ADD new Rule 16-903, as follows:

Rule 16-903. REPORTING PRO BONO LEGAL SERVICE

(a) Required as a Condition of Practice

As a condition precedent to the practice of law, each lawyer authorized to practice law in Maryland shall file annually with the Administrative Office of the Courts a Pro Bono Legal Service Report on a form approved by the Court of Appeals. The form shall not require the identification of pro bono clients.

Committee note: The purpose of pro bono legal service reporting is to document the pro bono legal service performed by lawyers in Maryland and determine the effectiveness of the Local Pro Bono Action Plans, the State Pro Bono Action Plan, the Rules in this Chapter, and Rule 6.1 of the Maryland Lawyers' Rules of Professional Conduct.

(b) Designated Employee of the Administrative Office of the Courts

The Court of Appeals shall designate an employee of the Administrative Office of the Courts to oversee the reporting process set forth in this Rule.

(c) Mailing by the Administrative Office of the Courts

On or before January 10 of each year, the Administrative Office of the Courts shall mail a Pro Bono Legal Service Report form to each lawyer on the list maintained by the Clients'

Security Trust Fund. The addresses on that list shall be used for all notices and correspondence pertaining to the reports.

(d) Due Date

Pro Bono Legal Service Reports for a given calendar year shall be filed with the Administrative Office of the Courts on or before February 15 of the following calendar year.

(e) Enforcement

(1) Notice of Default

As soon as practicable after May 1 of each year, the Administrative Office of the Courts shall give notice of the failure to file a report to each defaulting lawyer. The notice shall (A) state that the lawyer has not filed the Pro Bono Legal Service Report for the previous calendar year, (B) state that continued failure to file the Report may result in the entry of an order by the Court of Appeals prohibiting the lawyer from practicing law in the State, and (C) be sent by first class mail. The mailing of the notice of default shall constitute service.

(2) Additional Discretionary Notice of Default

In addition to the mailed notice, the Administrative Office of the Courts may give additional notice to defaulting lawyers by any of the means enumerated in Rule 16-811 g 3.

(3) List of Defaulting Lawyers

As soon as practicable after July 1 of each year but no later than August 1, the Administrative Office of the Courts shall prepare, certify, and file with the Court of Appeals a list

that includes the name and address of each lawyer engaged in the practice of law who has failed to file the Pro Bono Legal Service Report for the previous year.

(4) Certification of Default; Order of Decertification

The Administrative Office of the Courts shall submit with the list a proposed Decertification Order stating the names and addresses of those lawyers who have failed to file their Pro Bono Legal Service Reports for the specified calendar year. At the request of the Court of Appeals, the Administrative Office of the Courts also shall furnish additional information from its records or give further notice to the defaulting lawyers. If satisfied that the Administrative Office of the Courts has given the required notice to each lawyer named on the proposed Decertification Order, the Court of Appeals shall enter a Decertification Order prohibiting each of them from practicing law in the State.

(5) Mailing of Decertification Order

The Administrative Office of the Courts shall mail by first class mail a copy of the Decertification Order to each lawyer named in the Order. The mailing of the copy of the Decertification Order shall constitute service.

(6) Rescission

If a lawyer files the outstanding Pro Bono Legal Service Report, the Administrative Office of the Courts shall request the Court of Appeals to enter an order rescinding its Decertification

Order as to that lawyer. Upon entry of a Rescission Order, the Administrative Office of the Courts promptly shall furnish confirmation to the lawyer.

(7) Notices to Clerks

The Clerk of the Court of Appeals shall send a copy of each Decertification Order and Rescission Order entered pursuant to this Rule to the Clerk of the Court of Special Appeals, the Clerk of each circuit court, the Chief Clerk of the District Court, and the Register of Wills for each county.

(f) Certain Information Furnished to the Standing Committee on Pro Bono Legal Service

The Administrative Office of the Courts shall submit promptly to the Standing Committee on Pro Bono Legal Service a compilation of non-identifying information and data from the Pro Bono Legal Service Reports.

(g) Confidentiality

Pro Bono Legal Service Reports are confidential and are not subject to inspection or disclosure under Code, State Government Article, §10-615 (2) (iii). The Administrative Office of the Courts shall not release the Reports to any person or agency, except upon order of the Court of Appeals. Non-identifying information and data contained in a lawyer's Pro Bono Legal Service Report are not confidential.

Source: This Rule is new.

