

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 500 - PRO BONO LEGAL SERVICES

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CHAPTER 500 - PRO BONO LEGAL SERVICES

Rule 19-501. 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 the following members appointed by the Court of Appeals:

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

(B) a maximum of three Circuit Court judges selected from nominees submitted by the Conference of Circuit Judges;

(C) a maximum of three District Court judges selected from 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 the Legal Aid Bureau, Maryland Volunteer Lawyers Service, Pro Bono Resource Center of Maryland, and one other pro bono referral organization; and

(F) a member of the general public.

(3) Terms; Chair

The term of each member is three years. A member may be reappointed to serve one or more additional terms. The Court of Appeals shall designate one of the members as 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) Functions of the Standing Committee

(1) Required

The Standing Committee shall:

(A) 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;

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

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

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

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

guidance about the Rules in this Chapter and Rule 19-344 (6.1) of the Maryland Lawyers' Rules of Professional Conduct;

(F) 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 19-344 (6.1) of the Maryland Lawyers' Rules of Professional Conduct; and

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

(2) Permitted

The Standing Committee may make recommendations to the Court of Appeals concerning the appointment and reappointment of its members.

(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~~ 19-503;

(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 19-344 (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~~ derived from former Rule 16-901 (2011).

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CHAPTER 500 - PRO BONO LEGAL SERVICES

Rule 19-502. 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

The Local Pro Bono Committee consists of at least two 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 no more than nine additional members, as follows:

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

(B) 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;

(C) 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; and

(D) at least one but no more than two trial court judges, with the selection of any circuit court judge made by the County Administrative Judge and the selection of any District Court judge made by the County Administrative Judge with the concurrence of the Chief Judge of the District Court.

(3) Term

Each Committee shall establish a procedure for new membership, including articulating length of terms, to ensure member rotation and involvement.

(4) Chair

The County Administrative Judge shall appoint a member of the Committee to serve as temporary chair. The temporary chair shall convene a meeting at which the Committee shall elect a member to serve as chair. Each Committee shall establish a procedure by which its chair will be replaced.

(5) Full Membership

On at least an annual basis, the County Administrative Judge shall assess the composition of the Committee and take steps to ensure full membership of the Committee.

(6) 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. Each consultant should be encouraged to attend meetings and participate as a member, providing input and assisting in the development and implementation of the plan, where appropriate, without being a voting member of the Committee.

(b) Duties of the Committee

(1) The local pro bono committee shall: 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 by May 1.

(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. The Local Pro Bono Committees of two or more adjoining counties may collaborate and form a Regional Pro Bono Committee with approval of the Administrative Judges of the counties that wish to collaborate. 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~~ derived from former Rule 16-902 (2011).

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CHAPTER 500 - PRO BONO LEGAL SERVICES

Rule 19-503. REPORTING PRO BOND LEGAL SERVICE

(a) Required as a Condition of Practice

As a condition precedent to the practice of law, each lawyer admitted to practice in Maryland shall file annually with the Administrative Office of the Courts, in accordance with this Rule, 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 19-344 (6.1) of the Maryland Lawyers' Rules of Professional Conduct.

(b) Oversight of the Reporting Process

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 Client

Protection Fund of the Bar of Maryland. 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 notify each defaulting lawyer of the lawyer's failure to file a report. 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-f-3~~ 19-606

(c).

(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) Recertification; Restoration to Good Standing

If a lawyer thereafter files the outstanding Pro Bono Legal Service Report, the Administrative Office of the Courts shall request the Court of Appeals to enter an order that recertifies the lawyer and restores the lawyer to good standing. Upon entry of that order, the Administrative Office of the Courts promptly shall furnish confirmation to the lawyer. After a lawyer is recertified, the fact that the lawyer had been decertified need not be disclosed by the lawyer in response to a request for information as to whether the lawyer has been the subject of a disciplinary or remedial proceeding.

(7) Notices to Clerks

The Clerk of the Court of Appeals shall send a copy of each Decertification Order and each order that recertifies a lawyer and restores the lawyer to good standing 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.

Nonidentifying information and data contained in a lawyer's Pro Bono Legal Service Report are not confidential.

Source: This Rule is ~~new~~ derived from former Rule 16-903 (2011).