

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Pro Bono Legal Service having submitted to the Court its revised State Action Plan and Report recommending, *inter alia*, adoption of amendments to Rule 16-902 of the Maryland Rules of Procedure, all as set forth in that Plan and Report published in the *Maryland Register*, Vol. 34, Issue 3, pages 260 - 288 (February 2, 2007); and

This Court having considered at an open meeting, notice of which was posted as prescribed by law, all of the proposed rules changes, together with the comments received, and making certain amendments to the proposed rules changes on its own motion, it is this 10th day of April, 2007

ORDERED, by the Court of Appeals of Maryland, that amendments to Rule 16-902 be, and they are hereby, adopted in the form attached hereto; and it is further

ORDERED that the rules changes hereby adopted by this Court shall govern the courts of this State, and all parties and their

attorneys in all actions and proceedings, and shall take effect and apply to all actions commenced on or after July 1, 2007, and insofar as practicable, to all actions and matters then pending; and it is further

ORDERED, that a copy of this order be published in the next issue of the *Maryland Register*.

/s/ Robert M. Bell

Robert M. Bell

/s/ Irma S. Raker

Irma S. Raker

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Dale R. Cathell

/s/ Glenn T. Harrell, Jr.

Glenn T. Harrell, Jr.

/s/ Lynne A. Battaglia

Lynne A. Battaglia

/s/ Clayton Greene, Jr.

Clayton Greene, Jr.

* Judge Cathell has declined to sign the Rules Order.

Filed: April 10, 2007
/s/ Alexander L. Cummings

Clerk
Alexander L. Cummings

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

AMEND Rule 16-902 to delete the limitation on the number of representatives of certain organizations who may serve on a Local Pro Bono Committee, to add judges to the composition of a Local Pro Bono Committee, to require a Local Pro Bono Committee to establish a procedure for new membership, to require a Local Pro Bono Committee to establish lengths of terms, to revise the procedure for determining the chair of a Local Pro Bono Committee, to provide a procedure for ensuring full membership of a Local Pro Bono Committee, to add language concerning the role of consultants, to add a date by which the annual report of a Local Pro Bono Committee shall be submitted, to allow the formation of a Regional Pro Bono Committee under certain circumstances, and to correct the lettering of certain subsections, 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~~ 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:

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

~~(ii)~~ (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;

~~(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)~~ (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.

~~(3)~~ (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.

~~(4)~~ (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

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 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.