



ADMINISTRATIVE OFFICE OF THE COURTS

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OPERATIONS
PROGRAMS

Pro Bono Attorney (Out-of-State) Rules

- New rules adopted by the Court of Appeals will permit out-of-state attorneys to practice pro bono in Maryland without becoming a Maryland Bar member or paying into the Client Protection Fund.
- The new and revised rules were included in a Rules Order dated September 17, 2015 and found at: <http://mdcourts.gov/rules/rodocs/i87thro.pdf>.
- Effective January 1, 2016.

RULES AFFECTED

- Creates New Rules 16-904 and 16-905
- Amends Rules Governing Admission to the Bar, Rule 15
- Amends Maryland Rule 16-811.5

HOW IT WORKS

- **Definition:** A pro bono attorney is an attorney:
 - Authorized under RGAB Rule 15 (barred in another state) or Rule 16-811.5 (Md. attorney on inactive or retired status); and
 - Receives no compensation other than reimbursement for reasonable expenses. (Rule 16-904).
- **No CPF Dues.** The pro bono attorney is not required to pay Client Protection Fund dues in order to practice pro bono. RGAB Rule 15 (h).
- **Pro Bono & IOLTA Reports.** The attorney is required to file these reports, if requested by the AOC. (Rule 16-904).
- **Affiliation with a Program.** The attorney must provide their pro bono service in affiliation with a qualified Maryland legal services program, pro bono program, clinic or the Office of the Public Defender. RGAB Rule 15 (a).
- **Proof of Eligibility.** The attorney must file a request with the Clerk of the Court of Appeals with certain required information, including a statement from the program. The court will issue a certificate of authority to practice. RGAB Rule 15 (c).
- **Termination.** Certification automatically terminates when the attorney is no longer associated with the program. The program must notify the Court of Appeals within 10 days of the end of the attorney's association with the program. RGAB Rule 15 (d).
- **Recovery of Fees.** If the matter permits recovery of attorneys' fees, the pro bono attorney may seek fees, but shall remit the fees to the legal services or pro bono program through which they serve. (Rule 16-904).