

Resolution 11
In Support of Practice Rules Enabling In-House Counsel to Provide Pro Bono Legal Services

WHEREAS, representation of individuals who cannot afford counsel is essential to the efficient operation of state court systems; and

WHEREAS, in every state and territory, current levels of civil legal assistance are inadequate to meet the civil legal needs of individuals who cannot afford counsel; and

WHEREAS, all members of the legal community are needed in addressing this access to justice problem in the United States, including providing pro bono legal services; and

WHEREAS, attorneys who practice law for their organization or company employers (“in-house counsel”) are a growing source of such pro bono legal services; and

WHEREAS, the number of legal departments with formal pro bono programs has increased from a handful a decade ago to hundreds today and the general counsel at more than 110 legal departments have signed the Corporate Pro Bono ChallengeSM, pledging to use their best efforts to encourage their staff, including at least one-half of their legal staff, to support and participate in pro bono legal service; and

WHEREAS, some in-house counsel interested in providing pro bono legal services are hampered by current practice rules; and

WHEREAS, state supreme courts have the authority to promulgate rules with the potential to increase in-house pro bono legal services; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators have long been committed to the fundamental principle of access to justice for all in civil matters;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators encourage their members to consider promoting the expansion of pro bono legal services, including by amending the practice rules to allow non-locally licensed in-house counsel who are permitted to work for their employer to also provide pro bono legal services subject to the local rules of professional conduct.

Adopted as proposed by the CCJ Professionalism and Competence of the Bar Committee and the CCJ/COSCA Access, Fairness and Public Trust Committee at the 2012 Annual Meeting on July 25, 2012.