

IN THE SUPREME COURT OF ALABAMA
December 11, 2008

ORDER

IT IS ORDERED that Rule 6.5 and Rule 6.6, Alabama Rules of Professional Conduct, be adopted to read in accordance with Appendices A and B attached to this order;

IT IS FURTHER ORDERED that the adoption of Rule 6.5 and Rule 6.6 be effective immediately;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 6.5 and Rule 6.6:

"Note from the reporter of decisions: The order adopting Rule 6.5 and Rule 6.6, effective December 11, 2008, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 2d."

Cobb, C.J., and See, Lyons, Woodall, Stuart, Smith, Bolin, Parker, and Murdock, JJ., concur.

APPENDIX A

RULE 6.5: NONPROFIT AND COURT-ANNEXED
LIMITED LEGAL SERVICES PROGRAMS

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or a court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client to whom the lawyer is providing short-term limited legal services involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to representation governed by this rule.

APPENDIX B

RULE 6.6: SPECIAL MEMBERSHIP FOR PRO BONO SERVICES

Any inactive member of the Alabama State Bar may render pro bono services by paying the special membership dues and becoming a special member of the Alabama State Bar as prescribed by the Alabama State Bar for the year in which the pro bono services are rendered. The provision of pro bono services by a special member of the Alabama State Bar shall not be deemed the active practice of law or the unauthorized practice of law under Rule 5.5. For purposes of this section, "pro bono services" are defined as legal services provided without fee or remuneration through an approved pro bono provider.

An approved pro bono provider for the purposes of this rule is a not-for-profit legal-aid organization, bar, or court sponsoring a pro bono program that is approved by the Alabama State Bar as set forth in this rule. A not-for-profit legal-aid organization, bar, or court seeking approval from the Alabama State Bar for purposes of this rule shall file a petition with the office of General Counsel of the Alabama State Bar certifying that it is a not-for-profit legal-aid organization, bar, or court sponsoring a pro bono program, and specifically stating:

- (a) The structure of the organization and whether it accepts funds from clients;
- (b) The major sources of funds used by the organization;
- (c) The criteria used to determine potential clients' eligibility for legal services performed by the organization;
- (d) The types of legal and nonlegal services performed by the organization;
- (e) The names of all members of the Alabama Bar who are employed by the organization or who regularly perform legal work for the organization; and

(f) That the organization has in place professional liability insurance that will cover the attorney providing the pro bono services.

This rule shall not preclude an approved pro bono provider from recovering court-awarded attorney fees for representation provided by a pro bono attorney or from receiving reimbursement for otherwise recoverable costs incurred in representing a client pro bono.