

# Supreme Court proposes pro bono rule revisions

Nov. 5, 2004

The Mississippi Supreme Court is considering revising its rules regarding lawyers' obligations to provide legal services to the poor.

The Supreme Court seeks comment from the bench, the bar and the public regarding the proposed revisions to Rule 6.1 of the Mississippi Rules of Professional Conduct. Comments should be filed with the Clerk of the Supreme Court, Gartin Justice Building, P.O. Box 117, Jackson, MS 39205, no later than Nov. 18, 2004.

One proposed revision would lower the hours of pro bono legal services to the poor from a suggested 50 hours per year to 20 hours, but would add a requirement that lawyers report their hours of pro bono work to the Mississippi Bar.

The proposal calls for allowing lawyers to have the option of paying \$200 a year to the Mississippi Bar in lieu of hours of work to satisfy the pro bono obligation. The money would be used by the Mississippi Bar to provide civil legal assistance to the indigent.

The proposal would allow lawyers who do more than 20 hours of public service work in a year to carry over the excess for up to two additional years.

The proposal would allow law firms to collectively satisfy the pro bono obligations of their members. The rules in effect now are addressed to individual lawyers. The proposal would allow one or more lawyers at a firm to take on complicated, time consuming matters while at the same time allowing their work to satisfy the obligations of members of the firm.

In comments to the proposed rule changes, the Court said, "As our society has become one in which rights and responsibilities are increasingly defined in legal terms, access to legal services has become of critical importance. This is true for all people, be they rich, poor, or of moderate means. However, because the legal problems of the poor often involve areas of basic need, their inability to obtain legal services can have dire consequences. The vast unmet legal needs of the poor in Mississippi have been recognized by the Supreme Court of Mississippi. The Supreme Court has further recognized the necessity of finding a solution to the problem of providing the poor greater access to legal service and the unique role of lawyers in our adversarial system of representing and defending persons against the actions and conduct of governmental entities, individuals, and non-governmental entities. As an officer of the court, each member of the Mississippi Bar in good standing has a professional responsibility to provide pro bono legal service to the poor."

Commentary by the court stated, "Most pro bono service should involve civil proceedings where there is no governmental obligation to provide counsel, given that government must provide indigent representation in most criminal matters. Pro bono legal service to the poor is to be provided not only to those persons whose household incomes are below the federal poverty standard but also to those persons frequently referred to as the 'working poor.'"

A complete copy of the proposed revisions is posted on the News page of the Supreme Court's Internet web site, [www.mssc.state.ms.us](http://www.mssc.state.ms.us).

####

**Media Contact: Beverly Pettigrew Kraft, Administrative Office of Courts, 601-354-7452**