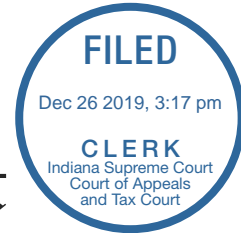


# In the Indiana Supreme Court



Cause No. 19S-MS-00041

## Order Amending Indiana Rules of Admission to the Bar and the Discipline of Attorneys

Under the authority vested in this Court pursuant to Article 7, Section 4 of the Indiana Constitution providing for the admission and discipline of attorneys in this state, the Indiana Rules for Admission to the Bar and the Discipline of Attorneys are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

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### Rule 2. Registration and Fees

...

- (c) **Annual Registration Fee--Inactive Attorneys.** One-half (1/2) of the registration fee referred to in section (b) shall be required of an attorney who files with the Clerk, on or before October 1 of each year, an affidavit of inactivity, stating that he or she is currently in active good standing or wishes to retain inactive standing, and that he or she neither holds judicial office nor is engaged in the practice of law in this state, except for practice permitted under Rule 6.2 Section ~~2-(e)3(a)~~. A delinquent fee in the amount of fifty dollars (\$50.00) shall be added to the registration fee for fees paid after October 1 and on or before October 15 of each year; and a delinquent fee in the amount of one hundred dollars (\$100.00) shall be added to the registration fee for fees paid after October 15 of each year. An attorney who has paid the registration fee under this section and any applicable delinquent fees shall be considered to be in inactive good standing. An inactive attorney shall promptly notify the Clerk of a desire to return to active status, and pay the applicable registration fee for the current year, prior to any act of practicing law.
- (d) **Annual Registration Fee--Retired Attorneys.** No registration fee shall be required of an attorney who is sixty-five (65) years old or older and files with the Clerk, by October 1 of any year, an affidavit of retirement, stating that he or she is currently in active or inactive good standing, neither holds judicial office nor is engaged in the practice of law in this state, and does not plan to return to the practice of law, except for practice permitted under Rule 6.2 Section ~~2-(e)3(a)~~. An affidavit of retirement, once filed, shall be effective for each succeeding year or until the attorney is reinstated pursuant to section (e).

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## **Rule 6. Admission on Foreign License**

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### **Section 2. Business Counsel License.**

A person who establishes an office or other systematic and continuous presence in Indiana in order to accept or continue employment by a person or entity engaged in business in Indiana other than the practice of law may be granted a business counsel license to practice law in Indiana without examination so long as granting the license is in the public interest and such person:

- (a) is admitted:
  - (i) to practice law in the highest court of law in any other state, or
  - (ii) to practice law in a foreign country and fulfills the requirements set forth in 5(1)(a);
- (b) complies with Section 1(a)(ii) and is or will be devoted solely to the business of such employer and who receives or will receive his or her entire compensation from such employer for applicant's legal service, and remains in such employment, except for practice permitted under Rule 6.2 Section ~~2(e)~~3(a);
- (c) is a member in good standing of the bar(s) of admission;
- (d) meets the character and fitness requirement;
- (e) pays or tenders the required fee; and
- (f) has not failed the Indiana Bar Examination within five (5) years of the date of the application.

A person granted a business counsel license under this Rule based upon admission to the practice of law only in a foreign country shall be subject to the limitations on scope of practice set forth in paragraphs (a)-(d) of Rule 5(4). Upon the transfer of such employment outside the State of Indiana, the right to practice law in Indiana shall terminate.

Upon the termination of such employment, the right to practice law in Indiana pursuant to a business counsel license shall terminate unless 1) such business counsel license admittee has secured employment from another person or entity within three (3) months of their termination, which employment meets the criteria of Section 2; or 2) such business counsel license admittee shall have been admitted to practice law in this state pursuant to some other rule.

## **Rule 6.2. Pro Bono Publico License**

### **Section 1. General Regulation as to Licensing.**

In its discretion, the Supreme Court may admit and authorize to practice in Indiana as a pro bono publico attorney an applicant who:

- (a) possesses the good moral character and fitness to practice;
- (b) intends to provide legal services free of charge, to persons of limited means through a pro bono or other legal service organization eligible for fee waiver under IC 33-37-3-2(b); and
- (c) either:
  - (i) was an active member in good standing in Indiana, but who is currently registered as inactive or retired under Rules 2(c) or (d), respectively; or
  - (ii) has been admitted to practice law in the highest court of law in any other state (as defined in Rule 6, section 1), and who is in good standing and has no pending disciplinary proceedings in each state of admission.
- (d) As used in clause (c)(ii), “good standing” shall mean having been an active member of the bar of another state and currently holding a law license in that state as an active, inactive, or retired member.

### **Section 2. Proof Required.**

An applicant under this Rule shall file with the State Board of Law Examiners:

- (a) if inactive good standing or retired from Indiana, an affidavit of intent to be devoted solely to the provision of pro bono legal services; or
- (b) if admitted in any other state, a certificate from the highest court of law in that state, certifying as to the applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney, and an affidavit of intent to be devoted solely to the provision of pro bono legal services; or
- (c) if admitted pursuant to a Business Counsel License, pursuant to Rule 6 Section 2, an affidavit that any legal services not devoted to his/her business counsel license will be exclusively pro bono legal services.

### **Section 3. Scope of Practice.**

A person licensed to practice as a pro bono publico attorney under this Rule:

- (a) may appear before a court or tribunal of this jurisdiction, prepare legal documents, render legal advice and provide other pertinent legal services free of charge to persons of limited means through a pro bono or other legal assistance organization.
- (b) shall indicate the following immediately adjacent to the lawyer's name on any appearance and other document filed with a court or other tribunal or on any legal document requiring an indication of the name of the preparer: "Authorized pursuant to Admission and Discipline Rule 6.2."

A pro bono publico attorney shall not hold him or herself out as an active member of the bar of Indiana.

#### **Section 4. Rights and Obligations.**

A person licensed as a pro bono publico attorney under this Rule shall be considered a lawyer affiliated with the bar of this State and shall be entitled and subject to:

- (a) the rights and obligations set forth in the Indiana Rules of Professional Conduct, most specifically reporting requirements of Prof.Cond.R. 6.7(a)(1), or arising from the other conditions and requirements that apply to a member of the bar of Indiana under the Indiana Rules of Court; and
- (b) the rights and obligations of a member of the bar of Indiana with respect to attorney-client privilege, work product privilege and similar professional privileges.
- (c) complete no less than three (3) hours of Approved Continuing Legal Education Courses within each year they practice under this rule. At least one (1) of those hours must include professional responsibility.

#### **Section 5. Disciplinary Provisions.**

A person licensed to practice as a pro bono publico attorney under this Rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of Indiana; therefore, every person licensed to practice as a pro bono publico attorney under these Rules:

- (a) shall be subject to control by the Supreme Court and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court and shall otherwise be governed by the Admission and Discipline Rules; and
- (b) shall execute and file with the Supreme Court, in such form and manner as such court may prescribe:

- (i) his or her commitment to observe the Rules of Professional Conduct and the Indiana Rules of Court; and
- (ii) a written undertaking to notify the court of any change in such person's good standing as a member of the bar of any other state.

#### **Section 6. Application and Renewal Fees.**

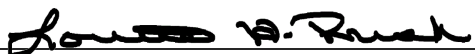
An applicant for a license as a pro bono publico attorney under this Rule shall not be required to pay any fee other than that which is required by other rules herein.

#### **Section 7. Admission to Bar.**

In the event that a person licensed as a pro bono publico attorney under this Rule is subsequently admitted as a member of the bar of Indiana under the provisions of the Rules governing such admissions, the license granted to such person hereunder shall be deemed superseded by the license granted to such person to practice law as a member of the bar of Indiana.

These amendments and appointments shall take effect on January 1, 2020.

Done at Indianapolis, Indiana, on 12/26/2019.

  
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Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.