

Jenneane L. Jansen, 4746 Elliot Avenue South, Minneapolis, MN, 55407
612-245-8245 (cell), 612-824-4790 (fax)
jenneanej@comcast.net

July 9, 2009

Via hand delivery

Frederick Grittner
Clerk of Appellate Courts
Minnesota Judicial Center
25 Constitution Drive
St. Paul, MN 55155

Re: Minnesota State Bar Association's Petition for Adoption of ABA Model Rule on
Provision of Legal Services Following Determination of Major Disaster

Dear Mr. Grittner:

This correspondence relates to the Minnesota State Bar Association's Petition for a rule amendment. Enclosed for filing are an original and eleven copies of the petition and its appendix. Please contact me with any questions.

Sincerely,



Jenneane Jansen
Counsel for the Petitioner
Minnesota State Bar Association

Enc.

NO. _____

STATE OF MINNESOTA
IN SUPREME COURT

In re: Proposed Adoption of ABA Model Rule on Provision of Legal Services Following
Determination of Major Disaster

PETITION OF THE MINNESOTA STATE BAR ASSOCIATION

Minnesota State Bar Association

Leo I. Brisbois, President
600 Nicollet Mall, Suite 380
Minneapolis, MN 55402
(612) 333-1183

Petitioner

Jenneane Jansen (#236792)
4746 Elliot Avenue South
Minneapolis, MN 55407
(612) 245-8245

and

Erica Gutmann Strohl (#279626)
2828 Dakota Avenue South
St. Louis Park, MN 55416
(612) 716-1760

Attorneys for Petitioner
Minnesota State Bar Association

To the Honorable Justices of the Minnesota Supreme Court:

Petitioner Minnesota State Bar Association respectfully requests that this court adopt the attached “Model Rule on the Provision of Legal Services Following Determination of Major Disaster.” The American Bar Association developed the model rule in 2007 in response to several states’ experiences with Hurricanes Katrina and Rita. To date, more than twenty states are considering — or have adopted — the model rule or a substantially similar rule.¹

The model rule has two primary effects. In the event of a Minnesota disaster, it facilitates provision of pro bono legal services by volunteer attorneys who are licensed outside the State of Minnesota, and it assists attorneys from disaster-affected areas in other jurisdictions by allowing them to temporarily relocate their practices in Minnesota. Under the rule, neither of these effects comes about unless this court first: a) determines that a major disaster has occurred in Minnesota; or b) adopts another state’s highest court’s determination that a major disaster has occurred in that court’s jurisdiction.

As the Hurricane Katrina experience demonstrated, major disasters can affect the delivery of legal-services needs in several ways. First, the disaster may generate new legal disputes. For example, Katrina-stricken areas saw an increase in insurance disputes. Second, attorneys whose offices or homes are affected by a disaster may be temporarily unable to meet the region’s preexisting legal needs in practice areas that consistently generate litigation, such as criminal and family law. Third, attorneys in neighboring jurisdictions suffering from a disaster may be displaced from their ordinary offices and need to temporarily relocate their practices in other jurisdictions until the effects of the disaster are ameliorated.

¹ See *infra* ¶¶ 23 through 28 for a breakdown of states’ positions as of the date of this petition.

Further, as many states discovered post-Katrina, current statutes and court rules may be inadequate to meet a community's legal-services needs after a major disaster. Many states' pro hac vice and Rules of Professional Conduct rules are like Minnesota's: they limit the ability of non-Minnesota attorneys to practice in Minnesota. The proposed rule provides a framework to guide Minnesota through potentially chaotic times and permits the rapid implementation of any needed changes in the unauthorized-practice-of-law rules. Having this rule in place in advance of a disaster will make it that much easier for the judiciary to react quickly and appropriately to a disaster in Minnesota or in a neighboring jurisdiction.

The MSBA is a not-for-profit corporation of attorneys admitted to practice law before this court and the lower courts of this state. In support of its petition, the MSBA states the following:

I. Katrina demonstrated that major disasters can cause exponential increases in states' unmet legal-services needs.

1. The American Bar Association estimates that over 5,000 of its members' practices were destroyed by Hurricane Katrina. Sheryl B. Shapiro, *American Bar Association's Response to Unauthorized Practice Problems Following Hurricane Katrina, Optimal or Merely Adequate?* 20 Geo. J. Legal Ethics 905, 917-18 (Summer 2007). Those losses included at least 75 percent of the 900 lawyers' offices in Mississippi's Gulf Coast counties. *Id.* An incredible 50 percent of Louisiana's practicing lawyers lost their homes, offices, or both. *Id.* And the disruption was not short-term: at least half of the New Orleans metropolitan area's 8,000 lawyers were still gone months after the storm. *Id.*

2. Meanwhile, Katrina-affected communities saw massive increases in legal-services needs. Hurricane victims needed assistance with insurance issues, emergency-assistance grant applications, environmental issues, landlord-tenant problems, bankruptcy, and family law. *Id.*

The Louisiana Disaster Legal Assistance Hotline assisted more than 13,000 callers between September 2005 and October 2006. *Id.* at 917, n. 86. In October 2006, the disaster hotline continued to field 200 to 300 calls per week, over 100 of which presented new cases. *Id.*

3. To place these numbers in perspective, Mid-Minnesota Legal Assistance reported that it closed 11,048 cases in 2007. (A. 2) (Excerpt of 2007 Legal Aid Annual Report).

4. The Twin Cities Metropolitan Area houses approximately half of Minnesota's total population, whereas the New Orleans Metropolitan Area made up only 25 percent of Louisiana's. (*See* A. 3-8) (U.S. Census Bureau Data).

5. Moreover, like Louisiana, Minnesota has a substantial percentage of its lawyers' practices concentrated in a single metropolitan area. In response to the MSBA's recent information request, Minnesota's Attorney Registration Office reported that 88 percent of Minnesota's 22,721 licensed attorneys have Minnesota addresses. And of those, 82 percent are in the seven-county metropolitan area. The Twin Cities also houses: the state's two largest judicial districts; the State Capitol complex, which includes both appellate courts; two of the state's federal courthouses; all four of the state's law schools; the state's Attorney General's Office; its Board of Public Defense; and several of the state's largest legal assistance organizations. (*See generally*, A. 9) (Civil Legal Services Directory (July 2008)). A major disaster affecting the Twin Cities could thus have a devastating effect on the entire state's legal community.

6. Similar scenarios could play out in population centers around the state such as Duluth, Rochester, St. Cloud, or Moorhead — areas where local attorneys serve geographically large but dispersed populations.

7. In the event of a major disaster such as a flood, major winter storm, extreme heat, wildfire, terrorism, or flu pandemic, Minnesota might see a similar increase in legal-services needs to what Katrina-affected jurisdictions experienced. Such disasters are not as unlikely as one might like to believe. The Minnesota Department of Health suggests that state residents prepare for such events. (A. 21) (Minnesota Department of Health, Individual/Family Preparedness). In fact, the Department warns that certain types of disasters are almost certain to occur; for example, it notes that, although it cannot predict the next pandemic flu's timing or severity, such an event "will happen." (A. 23) (March 2006 Minnesota Department of Health Fact Sheet, Pandemic Flu Facts).

II. Without the proposed rule or a substantially similar rule, existing Minnesota law could delay or impede efficient delivery of needed pro bono legal services by out-of-state attorneys.

8. While the ABA, state bars, and state courts responded admirably to Katrina victims' needs, the experience demonstrated that many states' existing statutes and rules create uncertainty about whether out-of-state attorneys may safely volunteer to meet another states' unmet legal needs. Like most states, Minnesota law contains provisions that impose criminal penalties, attorney discipline, or court sanctions for unauthorized practice, thereby potentially discouraging would-be volunteers.

9. For example, Minn. Stat. § 481.02, subd. 1 prohibits "any person" from providing legal services — including advising others, drafting legal documents, and "appear[ing] as attorney or counselor at law in any action or proceeding in any court in this state" — unless he or she is a "member[] of the bar of Minnesota admitted and licensed to practice as [an] attorney[] at law." Minn. Stat. § 481.02, subd. 1 (2007). The statute grants Minnesota courts discretion to

allow out-of-state attorneys to appear before them, but only if the attorneys' licensing states have reciprocal provisions. *Id.* at subd. 6. It is a crime to violate this statute. *Id.* at subd. 8(a).

10. Similarly, the Minnesota Rules of Professional Conduct (MRPC) do not provide for the provision of legal services such as that contemplated by the proposed rule:

- (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so, except that a lawyer admitted to practice in Minnesota does not violate this rule by conduct in another jurisdiction that is permitted in Minnesota under Rule 5.5 (c) and (d) for lawyers not admitted to practice in Minnesota.
- (b) A lawyer who is not admitted to practice in this jurisdiction *shall not*:
 - (1) except as authorized by these rules or other law, *establish an office or other systematic and continuous presence in this jurisdiction for the practice of law*; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.
- (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, *may provide legal services on a temporary basis in this jurisdiction* which:
 - (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
 - (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in the proceeding or reasonably expects to be so authorized;
 - (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted to another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

Minn. R. Prof. Conduct 5.5 (emphasis added).

11. Moreover the comments, to MPRC Rule 5.5 emphasize the uncertainty inherent in the rules themselves, stating that “[p]resence may be systemic and continuous even if the lawyer is not physically present here,” and “[t]here is no single test to determine whether a lawyer’s services are provided on a ‘temporary basis’ in this jurisdiction and may therefore be permissible * * *.” Minn. R. Prof. Conduct 5.5. at cmts. [4], [6]. Rather, the comments reiterate that any “systemic and continuous presence” may subject would-be volunteer attorneys to discipline in Minnesota or their home states. *See* Minn. R. Prof. Conduct 5.5 at cmt. ¶5. (“This rule does not authorize a lawyer to establish an office or other systematic and continuous presence in this jurisdiction without being admitted to practice generally here.”); *see also id.* at cmt. ¶6 (“[A] lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in this jurisdiction.”); *id.* at cmt. ¶17 (“A lawyer who practices law in this jurisdiction [on a temporary basis] is subject to the disciplinary authority of this jurisdiction.”).

12. Minnesota’s Rules of General Practice similarly require that out-of-state attorneys associate with local counsel whenever they appear in Minnesota courts on a pro hac vice basis:

Lawyers duly admitted to practice in the trial courts of any other jurisdiction may appear in any of the courts of this state provided (a) the pleadings are also signed by a lawyer duly admitted to practice in the State of Minnesota, and (b) such lawyer admitted in Minnesota is also present before the court, in chambers or in the courtroom or participates by telephone in any hearing conducted by telephone. In a subsequent

appearance in the same action the out-of-state lawyer may, in the discretion of the court, conduct the proceedings without the presence of Minnesota counsel.

Any lawyer appearing pursuant to this rule shall be subject to the disciplinary rules and regulations governing Minnesota lawyers and by applying to appear or appearing in any action shall be subject to the jurisdiction of the Minnesota courts.

Minn. R. Gen. Pract. 5.

13. Thus, in the event of a catastrophe, Minnesota law would provide clear direction to only a narrow subset of would-be volunteer lawyers, namely those who are: a) from states with reciprocal pro hac vice rules; b) associated with an actively participating Minnesota attorney; and c) performing legal services that are either authorized by federal law, or are reasonably related to a pending proceeding or the lawyer's practice in a jurisdiction in which he or she is licensed. *See* Minn. R. Prof. Conduct 5.5 (c), (d).

14. Current Minnesota law would also bar out-of-state attorneys from establishing a temporary legal practice in Minnesota, even if their own home-state offices have been damaged or destroyed by a court-recognized disaster. *See* Minn. R. Prof. Conduct 5.5 (b)(1).

III. The model rule provides a framework within which to quickly respond to a major disaster in Minnesota or another state.

15. The model rule alleviates the uncertainty that these existing provisions create in the event of a crisis, yet retains safeguards for Minnesota citizens.

16. The model rule includes careful limits to ensure that out-of-state attorneys' temporary pro bono legal services cannot "create an unreasonable risk to the interest of their clients, the public, or the courts." (*See infra*) (ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster, at cmt. ¶5).

17. Primary among these limits are that the rule would not be effective unless this court had either: a) determined that Minnesota had suffered a major disaster; or b) accepted a disaster declaration from the highest appellate court in an affected jurisdiction. (*Id.* at (a)).

18. Once such a declaration has been made, out-of-state attorneys would be authorized to advise Minnesota clients and prepare documents for them, but the model rule does not give blanket permission to appear in Minnesota courts. This court must first grant such permission, or the out-of-state attorneys must comply with Minn. R. Gen. Pract. 5. (*Id.* at (e)). Such compliance requirements include associating with Minnesota counsel. (*See id.*); Minn. R. Gen. Pract. 5.

19. Out-of-state attorneys may provide pro bono services from their home offices outside of Minnesota, or by traveling here. The services may be provided to Minnesotans, to those who have been temporarily displaced by disaster and are living in Minnesota, or to those who live in an affected jurisdiction. (Model Rule at (b), (c)). But the attorneys providing such services to Minnesotans must work with an authorized not-for-profit legal-services organization, or another organization that this court would designate. (*Id.* at (b)). Further, they may only work without a fee or compensation. (*Id.*) And finally, the emergency rule only authorizes attorneys to practice temporarily in Minnesota if they have not been disbarred, suspended, or are otherwise restricted in their home state. (*Id.*)

20. The model rule would also assist attorneys from other affected jurisdictions by allowing them to temporarily relocate their practices here. (*Id.* at (c)). The legal services provided in Minnesota on a temporary basis would have to arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction, and the attorney would have to be in good standing in her home jurisdiction. (*Id.*)

21. Finally, the model rule also protects Minnesotans by articulating the mechanism by which this court may determine when the triggering emergency conditions have ended. (*Id.* at (d)). It thus gives out-of-state attorneys fair notice of their obligations. (*See id.*) Attorneys who are assisting Minnesota residents would have as much time as is “reasonably necessary to complete the representation.” (*Id.*) Those who have temporarily relocated their practices to Minnesota would have 60 days within which to move their practices out of state. (*Id.*)

IV. Minnesota should join those states — Arizona, Delaware, Iowa, Missouri, New Jersey, Oregon, and Washington — that have adopted the model rule or a substantially similar rule.

22. Minnesota courts have the “power and responsibility” to determine the “proper role to be played by lawyers not admitted to practice in Minnesota.” *See* Minn. R. Gen. Pract. 5., at 1991 Task Force cmt.

23. To date, seven states — Arizona, Delaware, Iowa, Missouri, New Jersey, Oregon, and Washington — have adopted the model rule or a nearly identical rule. *See* Ariz. Sup. Ct. R. 39; Del. Sup. Ct. R. 58; Iowa Ct. R. 31.17, 31.25 & Iowa R. Prof. Cond. 32:5.5. cmt. 14a; Mo. Sup. Ct. R. 4-6.6; N.J. R. Prac. Law 1:21-10; and Wash. APR 27; (A. 26-32) (Oregon Supreme Court Order dated January 20, 2009); (*see also* A. 33) (ABA Standing Committee on Client Protection, State Implementation of ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster). Mississippi adopted a broader rule that allows out-of-state attorneys to provide pro bono assistance to Mississippi citizens under any circumstances. Miss. R. App. P. 46 (f).

24. Several other jurisdictions — Alabama, the District of Columbia, Florida, Georgia, Illinois, Louisiana, Maryland, Michigan, Nebraska, New Hampshire, New York, Tennessee, Texas, and Virginia — are considering adoption of the model rule or a substantially

similar rule. (*See* A. 26); (A. 35) (Michigan Bar Association Proposal to Adopt ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster); (A. 39) (Excerpt of N.H. Advisory Committee on Rules, March 12, 2008 Minutes); (A. 41) (Tennessee Supreme Court Order Dated December 10, 2008); (A. 42) (Petition of the Tennessee Bar Association for the Adoption of Rules Governing the Multijurisdictional Practice of Law); (A. 50) (Virginia State Bar Association Webpage).

25. Only four states' bar associations or standing rules committees have recommended against adopting the model rule. (*See* A. 52-59). They are California, Hawaii, North Carolina, and North Dakota. The criticisms that these bar associations and committees identified have less, if any, force in Minnesota. Moreover, to date, no state court has refused to adopt at least a substantially similar rule.

26. For example, the California State Bar Association recommended against adopting the model rule insofar as the rule departed from that state's supreme court's post-Katrina orders. (*See* A. 52) (Memorandum to the California State Bar Association Board of Governors and Board Committee on Operations Dated April 28, 2008). The association also noted that California's professional-responsibility rules differed from the ABA's model rules. (A. 56). And perhaps most importantly, the association concluded that California's geography and sizable attorney population made it unlikely that a major disaster would adversely affect access to in-state legal services. (*Id.*). The California association therefore recommended a case-by-case approach. (A. 57). As noted above, Minnesota's geography and population distribution could make it especially vulnerable to a major disaster in the Twin Cities metropolitan area.

27. The North Dakota Supreme Court Joint Committee on Attorney Standards also considered factors that do not apply to Minnesota. The committee voted to recommend against

the model rule because the state had prior experience with a major disaster. (*See* A. 61) (North Dakota Supreme Court Joint Committee on Attorney Standards, November 30, 2007 Minutes). The committee concluded that North Dakota's legal community's response to the 1997 Grand Forks floods showed that that state's current rules could adapt to meet its legal services needs. (*Id.*) Minnesota has never experienced a similar sort of "dry run" by which out-of-state attorneys may be guided.

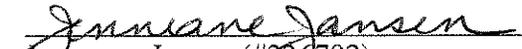
28. Finally, the North Carolina State Bar Issues Steering Committee and the Hawaii Bar Association both concluded that their states' existing rules were sufficient to respond to major disasters on a case-by-case basis. With due respect to these associations, the MSBA respectfully disagrees with their analyses. The issue is not simply whether existing Minnesota law could be made to accommodate a major disaster; there is also the uncertainty problem. Adoption of the model rule alleviates uncertainty, thereby encouraging would-be volunteer attorneys, and reassuring out-of-state attorneys whose practices are disrupted by a major disaster.

CONCLUSION

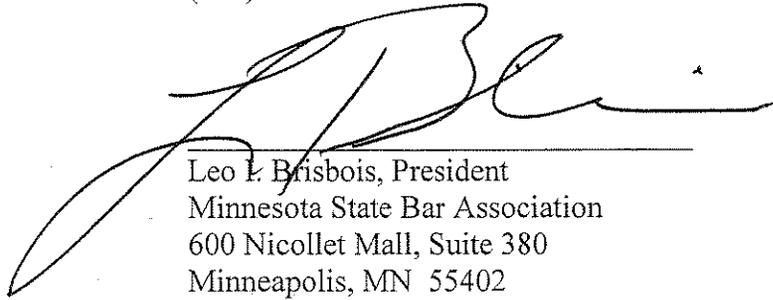
In the event of a major disaster, existing Minnesota law could confuse and deter would-be volunteer attorneys. It may also discourage attorneys from temporarily relocating their practices to Minnesota. The ABA's Model Rule on Provision of Legal Services Following Determination of Major Disaster clarifies out-of-state attorneys' responsibilities while protecting Minnesota citizens. The MSBA respectfully requests that this court adopt the model rule.

Respectfully submitted,

Dated: 7/8/09


Jerneane Jansen (#236792)
4746 Elliot Avenue South
Minneapolis, MN 55407
(612) 245-8245

Dated: 6/30/09


Leo L. Brisbois, President
Minnesota State Bar Association
600 Nicollet Mall, Suite 380
Minneapolis, MN 55402
(612) 333-1183

Petitioner

**Model Court Rule on Provision of Legal Services
Following Determination of Major Disaster**

Rule ____ . Provision of Legal Services Following Determination of Major Disaster

- (a) Determination of existence of major disaster. Solely for purposes of this Rule, this Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster has occurred in:
 - (1) this jurisdiction and whether the emergency caused by the major disaster affects the entirety or only a part of this jurisdiction, or
 - (2) another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this jurisdiction pursuant to paragraph (c) shall extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.
- (b) Temporary practice in this jurisdiction following major disaster. Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of pro bono services and the assistance of lawyers from outside this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer. Such legal services shall be assigned and supervised through an established not-for-profit bar association, pro bono program or legal services program or through such organization(s) specifically designated by this Court.
- (c) Temporary practice in this jurisdiction following major disaster in another jurisdiction. Following the determination of a major disaster in another United States jurisdiction, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Those legal services must arise out of and be reasonably related to that lawyer's practice of law in the jurisdiction, or area of such other jurisdiction, where the major disaster occurred.
- (d) Duration of authority for temporary practice. The authority to practice law in this jurisdiction granted by paragraph (b) of this Rule shall end when this Court determines that the conditions caused by the major disaster in this jurisdiction have ended except that

a lawyer then representing clients in this jurisdiction pursuant to paragraph (b) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation, but the lawyer shall not thereafter accept new clients. The authority to practice law in this jurisdiction granted by paragraph (c) of this Rule shall end [60] days after this Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

- (e) Court appearances. The authority granted by this Rule does not include appearances in court except:
 - (1) pursuant to the court's pro hac vice admission rule and, if such authority is granted, any fees for such admission shall be waived; or
 - (2) if this Court, in any determination made under paragraph (a), grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to paragraph (b). If such an authorization is included, any pro hac vice admission fees shall be waived.
- (f) Disciplinary authority and registration requirement. Lawyers providing legal services in this jurisdiction pursuant to paragraphs (b) or (c) are subject to this Court's disciplinary authority and the Rules of Professional Conduct of this jurisdiction as provided in Rule 8.5 of the Rules of Professional Conduct. Lawyers providing legal services in this jurisdiction under paragraphs (b) or (c) shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Clerk of this Court. The registration statement shall be in a form prescribed by this Court. Any lawyer who provides legal services pursuant to this Rule shall not be considered to be engaged in the unlawful practice of law in this jurisdiction.
- (g) Notification to clients. Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to this Rule shall inform clients in this jurisdiction of the jurisdiction in which they are authorized to practice law, any limits of that authorization, and that they are not authorized to practice law in this jurisdiction except as permitted by this Rule. They shall not state or imply to any person that they are otherwise authorized to practice law in this jurisdiction.

Comments

- [1] A major disaster in this or another jurisdiction may cause an emergency affecting the justice system with respect to the provision of legal services for a sustained period of time interfering with the ability of lawyers admitted and practicing in the affected jurisdiction to continue to represent clients until the disaster has ended. When this happens, lawyers from the affected jurisdiction may need to provide legal services to their clients, on a temporary basis, from an office outside their home jurisdiction. In addition, lawyers in an unaffected jurisdiction may be willing to serve residents of the affected jurisdiction who have unmet legal needs as a result of the disaster or, though independent of the disaster, whose legal needs temporarily are unmet because of

disruption to the practices of local lawyers. Lawyers from unaffected jurisdictions may offer to provide these legal services either by traveling to the affected jurisdiction or from their own offices or both, provided the legal services are provided on a pro bono basis through an authorized not-for-profit entity, or such other organization(s) specifically designated by this Court. A major disaster includes, for example, a hurricane, earthquake, flood, wildfire, tornado, public health emergency or an event caused by terrorists or acts of war.

[2] Under paragraph (a)(1), the Court shall determine whether a major disaster causing an emergency affecting the justice system has occurred in this jurisdiction, or in a part of this jurisdiction, for purposes of triggering paragraph (b) of this Rule. This Court may, for example, determine that the entirety of this jurisdiction has suffered a disruption in the provision of legal services or that only certain areas have suffered such an event. The authority granted by paragraph (b) shall extend only to lawyers authorized to practice law and not disbarred, suspended from practice or otherwise restricted from practice in any other manner in any other jurisdiction.

[3] Paragraph (b) permits lawyers authorized to practice law in an unaffected jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, to provide pro bono legal services to residents of the affected jurisdiction following determination of an emergency caused by a major disaster; notwithstanding that they are not otherwise authorized to practice law in the affected jurisdiction. Other restrictions on a lawyer's license to practice law that would prohibit that lawyer from providing legal services pursuant to this Rule include, but are not limited to, probation, inactive status, disability inactive status or a non-disciplinary administrative suspension for failure to complete continuing legal education or other requirements. Lawyers on probation may be subject to monitoring and specific limitations on their practices. Lawyers on inactive status, despite being characterized in many jurisdictions as being "in good standing," and lawyers on disability inactive status are not permitted to practice law. Public protection warrants exclusion of these lawyers from the authority to provide legal services as defined in this Rule. Lawyers permitted to provide legal services pursuant to this Rule must do so without fee or other compensation, or expectation thereof. Their service must be provided through an established not-for-profit organization that is authorized to provide legal services either in its own name or that provides representation of clients through employed or cooperating lawyers. Alternatively, this court may instead designate other specific organization(s) through which these legal services may be rendered. Under paragraph (b), an emeritus lawyer from another United States jurisdiction may provide pro bono legal services on a temporary basis in this jurisdiction provided that the emeritus lawyer is authorized to provide pro bono legal services in that jurisdiction pursuant to that jurisdiction's emeritus or pro bono practice rule. Lawyers may also be authorized to provide legal services in this jurisdiction on a temporary basis under Rule 5.5(c) of the Rules of Professional Conduct.

[4] Lawyers authorized to practice law in another jurisdiction, who principally practice in the area of such other jurisdiction determined by this Court to have suffered a major disaster,

and whose practices are disrupted by a major disaster there, and who are not disbarred, suspended from practice or otherwise restricted from practicing law in any other manner in any other jurisdiction, are authorized under paragraph (c) to provide legal services on a temporary basis in this jurisdiction. Those legal services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. For purposes of this Rule, the determination of a major disaster in another jurisdiction should first be made by the highest court of appellate jurisdiction in that jurisdiction. For the meaning of "arise out of and reasonably related to," see Rule 5.5 Comment [14], Rules of Professional Conduct.

- [5] Emergency conditions created by major disasters end, and when they do, the authority created by paragraphs (b) and (c) also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under paragraph (d), this Court determines when those conditions end only for purposes of this Rule. The authority granted under paragraph (b) shall end upon such determination except that lawyers assisting residents of this jurisdiction under paragraph (b) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by paragraph (c) will end [60] days after this Court makes such a determination with regard to an affected jurisdiction.
- [6] Paragraphs (b) and (c) do not authorize lawyers to appear in the courts of this jurisdiction. Court appearances are subject to the pro hac vice admission rules of the particular court. This Court may, in a determination made under paragraph (e)(2), include authorization for lawyers who provide legal services in this jurisdiction without need for such pro hac vice admission. If such an authorization is included, any pro hac vice admission fees shall be waived. A lawyer who has appeared in the courts of this jurisdiction pursuant to paragraph (e) may continue to appear in any such matter notwithstanding a declaration under paragraph (d) that the conditions created by major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Rule 1.16 of the Rules of Professional Conduct.
- [7] Authorization to practice law as a foreign legal consultant or in-house counsel in a United States jurisdiction offers lawyers a limited scope of permitted practice and may therefore restrict that person's ability to provide legal services under this Rule.
- [8] The ABA National Lawyer Regulatory Data Bank is available to help determine whether any lawyer seeking to practice in this jurisdiction pursuant to paragraphs (b) or (c) of this Rule is disbarred, suspended from practice or otherwise subject to a public disciplinary sanction that would restrict the lawyer's ability to practice law in any other jurisdiction.

EXHIBITS

Excerpt of 2007 Legal Aid Annual Report.....	A. 1
U.S. Census Bureau Data.....	A. 3
Civil Legal Services Directory.....	A. 9
Minnesota Department of Health, Individual/Family Preparedness.....	A. 21
March 2006 Minnesota Department of Health Fact Sheet, Pandemic Flu Facts.....	A. 23
ABA Standing Committee on Client Protection, State Implementation of ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster	A. 26
Oregon Supreme Court Order dated January 20, 2009.....	A. 33
Michigan Bar Association Proposal to Adopt ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster	A. 35
Excerpt of N.H. Advisory Committee on Rules, March 12, 2008 Minutes.....	A. 39
Tennessee Supreme Court Order Dated December 10, 2008	A. 41
Petition of the Tennessee Bar Association for the Adoption of Rules Governing the Multijurisdictional Practice of Law	A. 42
Virginia State Bar Association Webpage	A. 50
Memorandum to the California State Bar Association Board of Governors and Board Committee on Operations Dated April 28, 2008.....	A. 52
North Dakota Supreme Court Joint Committee on Attorney Standards, November 30, 2007 Minutes.....	A. 59

LEGAL AID
ANNUAL REPORT
2007

WORKING TOWARD

Justice for All

LEGAL AID



WORKING TOWARD
JUSTICE FOR ALL

YEAR AT-A-GLANCE

TOTAL CASES CLOSED

11,048 including those handled by the Minnesota Disability Law Center

HOUSING CASES CLOSED

3,432 representing more than one-third of all cases and the single largest area of representation

IMMIGRATION CASES CLOSED

1,877 representing the fastest-growing area of practice programwide

MINNESOTA DISABILITY LAW CENTER

1,320 cases closed statewide

CASES CLOSED, BY REGION

Minneapolis:	5,753
St. Cloud:	1,857
Willmar:	1,199
Cambridge:	1,002

OTHER HIGHLIGHTS

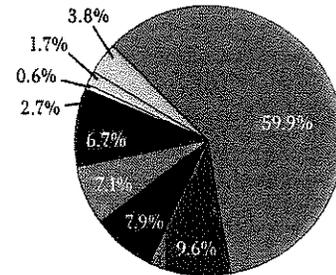
- Seventy-seven attorneys, thirty-five advocates, thirty-seven support staff and nine administrative staff members worked together to pursue justice for all.
- Served clients speaking more than twenty-two languages.
- Sixty-two percent of our clients were women, and 54 percent were people of color.
- Eleven percent of cases were handled on behalf of youth eighteen and younger, and 18 percent were handled on behalf of individuals age sixty or older.

FINANCIALS

FINANCIAL SUMMARY FOR THE YEAR ENDING DECEMBER 31, 2007.

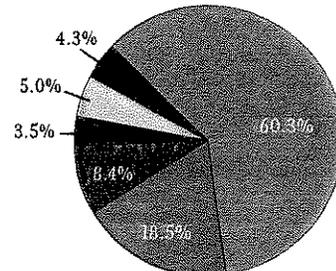
Revenues

Government Grants and Contracts	\$ 7,273,749
United Ways	1,167,746
Foundations	954,720
Fund for the Legal Aid Society	860,000
Lawyers Trust Account Board	817,520
Miscellaneous Revenue	328,976
Court Awarded Attorney Fees	78,547
Interest/Endowment Earnings	201,620
Other legal program support to MLSC and LSAP	458,414
TOTAL	\$ 12,141,292



Expenses

Direct Legal Services to Low-Income People	\$ 7,041,709
MDLC	2,165,738
Administration	977,815
Fundraising Expense	410,256
State Support Services	579,911
LSAP	502,215
TOTAL	\$ 11,677,644
Prior Reserve	\$ 2,817,275
Year-end Reserve	\$ 3,280,923



Census 2000 PHC-T-3. Ranking Tables for Metropolitan Areas: 1990 and 2000
 Table 3: Metropolitan Areas Ranked by Population: 2000

Note: 1990 Census population counts are as published in 1990 census reports and do not include changes published subsequently due to boundary or other changes. Metropolitan Areas are as defined on June 30, 1999 by the Office of Management and Budget. Eight new metropolitan areas were announced between 1993 and 1999: Auburn-Opelika, AL MSA; Corvallis, OR MSA; Flagstaff, AZ-UT MSA; Grand Junction, CO MSA; Hattiesburg, MS MSA; Jonesboro, AR MSA; Missoula, MT MSA; Pocatello, ID MSA.

Source: U.S. Census Bureau
 Internet Release date: April 2, 2001

For information on confidentiality protection, sampling error, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expplu.html>.

MSA/ CMSA Code	Rank	Area Name	Census Population		Change, 1990 to 2000	
			April 1, 2000	April 1, 1990	Number	Percent
5602	1	New York--Northern New Jersey--Long Island, NY--NJ--CT--PA CMSA	21,199,865	19,549,649	1,650,216	8.4%
4472	2	Los Angeles--Riverside--Orange County, CA CMSA	16,373,645	14,531,529	1,842,116	12.7%
1602	3	Chicago--Gary--Kenosha, IL--IN--WI CMSA	9,157,540	8,239,820	917,720	11.1%
8872	4	Washington--Baltimore, DC--MD--VA--WV CMSA	7,608,070	6,727,050	881,020	13.1%
7362	5	San Francisco--Oakland--San Jose, CA CMSA	7,039,362	6,253,311	786,051	12.6%
6162	6	Philadelphia--Wilmington--Atlantic City, PA--NJ--DE--MD CMSA	6,188,463	5,892,937	295,526	5.0%
1122	7	Boston--Worcester--Lawrence, MA--NH--ME--CT CMSA	5,819,100	5,455,403	363,697	6.7%
2162	8	Detroit--Ann Arbor--Flint, MI CMSA	5,456,428	5,187,171	269,257	5.2%
1922	9	Dallas--Fort Worth, TX CMSA	5,221,801	4,037,282	1,184,519	29.3%
3362	10	Houston--Galveston--Brazoria, TX CMSA	4,669,571	3,731,131	938,440	25.2%
0520	11	Atlanta, GA MSA	4,112,198	2,959,950	1,152,248	38.9%
4992	12	Miami--Fort Lauderdale, FL CMSA	3,876,380	3,192,582	683,798	21.4%
7602	13	Seattle--Tacoma--Bremerton, WA CMSA	3,554,760	2,970,328	584,432	19.7%
6200	14	Phoenix--Mesa, AZ MSA	3,251,876	2,238,480	1,013,396	45.3%
5120	15	Minneapolis--St. Paul, MN--WI MSA	2,968,806	2,538,834	429,972	16.9%
1692	16	Cleveland--Akron, OH CMSA	2,945,831	2,859,644	86,187	3.0%
7320	17	San Diego, CA MSA	2,813,833	2,498,016	315,817	12.6%
7040	18	St. Louis, MO--IL MSA	2,603,607	2,492,525	111,082	4.5%
2082	19	Denver--Boulder--Greeley, CO CMSA	2,581,506	1,980,140	601,366	30.4%
7442	20	San Juan--Caguas--Arecibo, PR CMSA	2,450,292	2,270,808	179,484	7.9%

MSA/ CMSA Code	Rank	Area Name	Census Population		Change, 1990 to 2000	
			April 1, 2000	April 1, 1990	Number	Percent
8280	21	Tampa--St. Petersburg--Clearwater, FL MSA	2,395,997	2,067,959	328,038	15.9%
6280	22	Pittsburgh, PA MSA	2,358,695	2,394,811	-36,116	-1.5%
6442	23	Portland--Salem, OR--WA CMSA	2,265,223	1,793,476	471,747	26.3%
1642	24	Cincinnati--Hamilton, OH--KY--IN CMSA	1,979,202	1,817,571	161,631	8.9%
6922	25	Sacramento--Yolo, CA CMSA	1,796,857	1,481,102	315,755	21.3%
3760	26	Kansas City, MO--KS MSA	1,776,062	1,582,875	193,187	12.2%
5082	27	Milwaukee--Racine, WI CMSA	1,689,572	1,607,183	82,389	5.1%
5960	28	Orlando, FL MSA	1,644,561	1,224,852	419,709	34.3%
3480	29	Indianapolis, IN MSA	1,607,486	1,380,491	226,995	16.4%
7240	30	San Antonio, TX MSA	1,592,383	1,324,749	267,634	20.2%
5720	31	Norfolk--Virginia Beach--Newport News, VA--NC MSA	1,569,541	1,443,244	126,297	8.8%
4120	32	Las Vegas, NV--AZ MSA	1,563,282	852,737	710,545	83.3%
1840	33	Columbus, OH MSA	1,540,157	1,345,450	194,707	14.5%
1520	34	Charlotte--Gastonia--Rock Hill, NC--SC MSA	1,499,293	1,162,093	337,200	29.0%
5560	35	New Orleans, LA MSA	1,337,726	1,285,270	52,456	4.1%
7160	36	Salt Lake City--Ogden, UT MSA	1,333,914	1,072,227	261,687	24.4%
3120	37	Greensboro--Winston-Salem--High Point, NC MSA	1,251,509	1,050,304	201,205	19.2%
0640	38	Austin--San Marcos, TX MSA	1,249,763	846,227	403,536	47.7%
5360	39	Nashville, TN MSA	1,231,311	985,026	246,285	25.0%
6480	40	Providence--Fall River--Warwick, RI--MA MSA	1,188,613	1,134,350	54,263	4.8%
6640	41	Raleigh--Durham--Chapel Hill, NC MSA	1,187,941	855,545	332,396	38.9%
3280	42	Hartford, CT MSA	1,183,110	1,157,585	25,525	2.2%
1280	43	Buffalo--Niagara Falls, NY MSA	1,170,111	1,189,288	-19,177	-1.6%
4920	44	Memphis, TN--AR--MS MSA	1,135,614	1,007,306	128,308	12.7%
8960	45	West Palm Beach--Boca Raton, FL MSA	1,131,184	863,518	267,666	31.0%
3600	46	Jacksonville, FL MSA	1,100,491	906,727	193,764	21.4%
6840	47	Rochester, NY MSA	1,098,201	1,062,470	35,731	3.4%
3000	48	Grand Rapids--Muskegon--Holland, MI MSA	1,088,514	937,891	150,623	16.1%
5880	49	Oklahoma City, OK MSA	1,083,346	958,839	124,507	13.0%
4520	50	Louisville, KY--IN MSA	1,025,598	948,829	76,769	8.1%
6760	51	Richmond--Petersburg, VA MSA	996,512	865,640	130,872	15.1%
3160	52	Greenville--Spartanburg--Anderson, SC MSA	962,441	830,563	131,878	15.9%
2000	53	Dayton--Springfield, OH MSA	950,558	951,270	-712	-0.1%
2840	54	Fresno, CA MSA	922,516	755,580	166,936	22.1%
1000	55	Birmingham, AL MSA	921,106	840,140	80,966	9.6%
3320	56	Honolulu, HI MSA	876,156	836,231	39,925	4.8%

Table 1: Annual Estimates of the Population for Counties of Minnesota: April 1, 2000 to July 1, 2007

Geographic Area	Population Estimates				
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003
Minnesota	5,197,621	5,154,586	5,113,824	5,085,626	5,052,497
Aitkin County	15,910	15,931	15,873	15,816	15,658
Anoka County	326,252	323,954	320,626	317,286	312,222
Becker County	31,964	31,816	31,553	31,449	31,089
Beltrami County	43,609	43,158	42,718	42,111	41,660
Benton County	39,504	38,986	38,671	38,182	37,703
Big Stone County	5,385	5,393	5,433	5,437	5,593
Blue Earth County	59,802	59,412	58,490	57,976	57,685
Brown County	26,013	26,101	26,104	26,524	26,641
Carlton County	33,893	33,720	33,681	33,385	32,924
Carver County	88,459	86,438	83,995	81,053	78,410
Cass County	28,723	28,813	28,688	28,353	28,023
Chippewa County	12,465	12,582	12,634	12,604	12,695
Chisago County	50,128	49,471	48,653	47,766	46,364
Clay County	54,835	54,129	53,365	52,661	51,747
Clearwater County	8,245	8,210	8,242	8,280	8,279
Cook County	5,398	5,366	5,316	5,310	5,268
Cottonwood County	11,349	11,443	11,657	11,894	11,893
Crow Wing County	61,648	60,762	59,763	58,981	58,187
Dakota County	390,478	385,827	381,608	377,009	372,100
Dodge County	19,552	19,468	19,287	19,085	18,740
Douglas County	36,075	35,546	35,180	34,619	34,172
Faribault County	14,869	15,020	15,162	15,480	15,567
Fillmore County	21,037	20,992	21,112	21,175	21,234
Freeborn County	31,257	31,396	31,540	31,818	31,929
Goodhue County	45,839	45,481	45,298	45,291	44,981
Grant County	6,021	6,029	6,064	6,098	6,182
Hennepin County	1,136,599	1,128,798	1,124,933	1,125,515	1,124,394
Houston County	19,515	19,605	19,680	19,676	19,788
Hubbard County	18,781	18,648	18,686	18,691	18,490
Isanti County	38,921	38,138	37,233	36,264	35,252

Table 1: Annual Estimates of the Population for Counties of Minnesota: April 1, 2000 to July 1, 2007

Geographic Area	Population Estimates				
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003
Itasca County	44,542	44,196	44,069	44,038	44,091
Jackson County	10,883	10,910	10,936	10,991	11,036
Kanabec County	16,090	16,068	16,026	15,898	15,740
Kandiyohi County	40,784	40,843	40,951	41,070	41,090
Kittson County	4,505	4,608	4,732	4,807	4,900
Koochiching County	13,459	13,549	13,704	13,806	13,881
Lac qui Parle County	7,258	7,292	7,467	7,585	7,722
Lake County	10,741	10,844	10,910	11,014	11,098
Lake of the Woods County	4,095	4,217	4,287	4,334	4,327
Le Sueur County	28,034	27,607	27,174	26,946	26,499
Lincoln County	5,877	5,929	5,979	6,064	6,164
Lyon County	24,695	24,767	24,665	24,559	24,757
McLeod County	37,220	36,903	36,349	36,010	35,601
Mahnomen County	5,129	5,076	5,082	5,056	5,092
Marshall County	9,618	9,704	9,754	9,836	9,886
Martin County	20,462	20,515	20,728	20,858	20,998
Meeker County	23,211	23,223	23,080	23,085	22,988
Mille Lacs County	26,354	25,999	25,519	24,807	24,300
Morrison County	32,733	32,528	32,467	32,328	32,304
Mower County	38,040	38,141	38,222	38,560	38,480
Murray County	8,511	8,620	8,709	8,820	8,913
Nicollet County	31,680	31,483	30,947	30,798	30,564
Nobles County	20,128	20,094	20,243	20,269	20,400
Norman County	6,685	6,751	6,877	6,985	7,086
Olmsted County	139,747	137,533	135,263	133,465	131,367
Otter Tail County	57,031	57,213	57,091	57,355	57,386
Pennington County	13,756	13,742	13,608	13,622	13,590
Pine County	28,164	27,986	27,957	27,815	27,586
Pipestone County	9,305	9,296	9,276	9,455	9,552
Polk County	30,708	30,732	30,758	30,793	30,768
Pope County	11,065	11,090	11,075	11,136	11,140

Table 1: Annual Estimates of the Population for Counties of Minnesota: April 1, 2000 to July 1, 2007

Geographic Area	Population Estimates				
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003
Ramsey County	499,891	497,815	498,369	501,889	506,457
Red Lake County	4,118	4,113	4,236	4,303	4,277
Redwood County	15,519	15,688	15,773	16,056	16,168
Renville County	16,132	16,309	16,530	16,594	16,750
Rice County	61,955	61,447	60,605	59,983	59,265
Rock County	9,498	9,426	9,432	9,436	9,586
Roseau County	15,946	16,024	16,205	16,145	16,156
St. Louis County	196,694	196,414	196,710	197,869	198,952
Scott County	126,642	122,893	118,629	113,764	108,025
Sherburne County	86,287	84,249	81,207	78,169	74,923
Sibley County	15,007	14,974	14,972	15,087	15,171
Stearns County	146,051	144,374	142,787	141,274	140,298
Steele County	36,378	35,992	35,524	35,099	34,690
Stevens County	9,624	9,677	9,766	9,826	9,917
Swift County	11,192	11,260	10,394	11,415	11,604
Todd County	24,029	23,932	24,063	24,206	24,153
Traverse County	3,712	3,785	3,813	3,852	3,866
Wabasha County	21,783	21,876	21,790	21,832	21,886
Wadena County	13,382	13,316	13,469	13,417	13,473
Waseca County	19,528	19,417	19,307	19,261	19,427
Washington County	226,475	222,009	217,609	214,030	212,425
Watonwan County	11,022	11,138	11,197	11,361	11,552
Wilkin County	6,418	6,484	6,645	6,735	6,873
Winona County	49,802	49,730	49,620	49,355	49,507
Wright County	117,372	113,906	109,721	106,264	102,299
Yellow Medicine County	10,128	10,246	10,301	10,450	10,621

Table 1: Annual Estimates of the Population for Counties of Minnesota: April 1, 2000 to July 1, 2007

Geographic Area	Population Estimates				
	July 1, 2007	July 1, 2006	July 1, 2005	July 1, 2004	July 1, 2003
<p>Note: The April 1, 2000 estimates base reflects changes to the Census 2000 population resulting from legal boundary updates as of January 1 of the estimates year, other geographic program changes, and Count Question Resolution actions. All geographic boundaries for the 2007 population estimates series are defined as of January 1, 2007. (X) Not applicable.</p> <p>Suggested Citation:</p> <p>Table 1: Annual Estimates of the Population for Counties of Minnesota: April 1, 2000 to July 1, 2007 (CO-EST2007-01-27)</p> <p>Source: Population Division, U.S. Census Bureau</p> <p>Release Date: March 20, 2008</p>					

CIVIL LEGAL SERVICES DIRECTORY

OFFICE ADDRESSES AND PHONE NUMBERS

Published by

MINNESOTA LEGAL SERVICES COALITION

(State Support Office for all Minnesota Legal Services Programs)

2324 University Avenue West
Suite 101B, Midtown Commons
St. Paul, MN 55114
(651) 228-9105 FAX (651) 222-0745

e-mail: statesupport@mnlegalservices.org

web sites: www.mnlegalservices.org (Program site)

www.ProJusticeMN.org (for Advocates)

www.LawHelpMN.org (for the Public)

ABBREVIATIONS:

ECLS	East Central Legal Services (part of MMLA)
CMLS	Central Minnesota Legal Services
LAS	Legal Aid Society of Minneapolis (part of MMLA)
LASNEM	Legal Aid Service of Northeastern Minnesota
LSNM	Legal Services of Northwest Minnesota, Inc.
MMLA	Mid-Minnesota Legal Assistance
WMLS	Western Minnesota Legal Services (part of MMLA)
SCALS	St. Cloud Area Legal Services (part of MMLA)
SMRLS	Southern Minnesota Regional Legal Services

Anishinabe Legal Services

Serves residents of Leech Lake, White Earth and Red Lake Reservations.

TABLE OF CONTENTS

- Minnesota Legal Services Coalition (MLSC) Programs 2
- Listing of Counties and the MLSC Legal Services Offices Serving Them 3
- Listing of MLSC Offices in Alphabetical Order by Office Name 5
- Listing of Related Non-MLSC Offices 10

This directory is provided as a convenience for those interested in civil legal services providers in Minnesota. Inclusion of any organization does not imply a recommendation or endorsement of its services.

MINNESOTA LEGAL SERVICES COALITION (MLSC) PROGRAMS

ANISHINABE LEGAL SERVICES

Executive Director: *Paul Day*

411 1st St. N.W., P. O. Box 157

Cass Lake, MN 56633

(218) 335-2223 or (clients only) 1-800-422-1335 **FAX** (218) 335-7988

With offices in Red Lake and White Earth

CENTRAL MINNESOTA LEGAL SERVICES (CMLS)

Executive Director: *Jean Lastine*

430 First Avenue North, Suite 359

Minneapolis, MN 55401

(612) 332-8151 **FAX** (612) 334-3402 New clients call: (612) 334-5970

With offices in St. Cloud and Willmar

JUDICARE OF ANOKA COUNTY

Executive Director: *Floyd Pnewski*

1201 89th Avenue N.E., Suite 310

Blaine, MN 55434

(763) 783-4970 **FAX** (763) 783-4959

LEGAL AID SERVICE OF NORTHEASTERN MINNESOTA (LASNEM)

Executive Director: *David Lund*

424 W. Superior St., 302 Ordean Bldg.

Duluth, MN 55802

(218) 726-4800 or (clients only) 1-800-622-7266 **FAX** (218) 726-4804

With offices in Brainerd, Grand Rapids, Pine City and Virginia

LEGAL SERVICES OF NORTHWEST

MINNESOTA, INC. (LSNM)

Executive Director: *Mary Deutsch Schneider*

P. O. Box 838, 1015 7th Avenue N.

Moorhead, MN 56560-0838

(218) 233-8585 or (clients only) 1-800-450-8585 **FAX** (218) 233-8586

e-mail: legalaid@lsnmlaw.org **web site:** www.lsnmlaw.org

With offices in Alexandria, Bemidji and Thief River Falls

MID-MINNESOTA LEGAL ASSISTANCE (MMLA)

Executive Director: *Jeremy Lane*

Legal Aid Society of Minneapolis, Inc.

430 1st Ave. N., Suite 300

Minneapolis, MN 55401-1780

(612) 332-1441 or (clients only) 612-334-5970 **TDD** (612) 332-4668 **FAX** (612) 334-5755

With offices in Cambridge, North Minneapolis, South Minneapolis, St. Cloud and Willmar

SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES (SMRLS)

Chief Executive Officer: *Jessie Nicholson*

166 East 4th Street, Suite 200

St. Paul, MN 55101

(651) 222-5863 or (clients only) (651) 222-4731 **FAX** (651) 297-6457

With offices in Albert Lea, Fargo, Mankato, Rochester, St. Paul, Shakopee, Winona and Worthington

LIST OF COUNTIES AND THE MLSC LEGAL SERVICES OFFICES SERVING THEM:

<u>County</u>	<u>Office</u>	<u>Client Referral Number</u>
Aitkin	LASNEM – Baxter	(800) 933-1112
Aitkin (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Anoka	ANOKA – Blaine	(763) 783-4970
Anoka (LSC)	CMLS – Minneapolis	(612) 334-5970
Anoka (seniors only)	MMLA – Cambridge	(800) 622-7772
Becker	LSNM – Moorhead	(800) 450-8585
Beltrami	LSNM – Bemidji	(800) 450-9201
Benton	CMLS – St. Cloud	(800) 622-7773
Benton	MMLA – St. Cloud	(888) 360-2889
Big Stone	CMLS – Willmar	(800) 622-4011
Big Stone	MMLA – Willmar	(888) 360-3666
Blue Earth	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Brown	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Carlton	LASNEM – Duluth	(800) 622-7266
Carver	SMRLS – Shakopee	(651) 222-4731
Cass	LASNEM – Baxter	(800) 933-1112
Chippewa	CMLS – Willmar	(800) 622-4011
Chippewa	MMLA – Willmar	(888) 360-3666
Chisago	CMLS – St. Cloud	(800) 622-7773
Chisago	MMLA – Cambridge	(800) 622-7772
Clay	LSNM – Moorhead	(800) 450-8585
Clearwater	LSNM – Bemidji	(800) 450-9201
Cook	LASNEM – Duluth	(800) 622-7266
Cottonwood	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Crow Wing	LASNEM – Baxter	(800) 933-1112
Crow Wing (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Dakota (LSC clients)	SMRLS – Shakopee	(651) 222-4731
Dakota (seniors only)	SMRLS – St. Paul	(651) 222-4731
Dodge	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Douglas	LSNM – Alexandria	(800) 450-2552
Faribault	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Fillmore	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Freeborn	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Goodhue	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Grant	LSNM – Alexandria	(800) 450-2552
Hennepin	CMLS – Minneapolis	(612) 334-5970
Hennepin	MMLA – Minneapolis	(612) 334-5970
Hennepin (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Houston	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Hubbard	LSNM – Bemidji	(800) 450-9201
Isanti	CMLS – St. Cloud	(800) 622-7773
Isanti	MMLA – Cambridge	(800) 622-7772
Itasca	LASNEM – Grand Rapids	(800) 708-6695
Jackson	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Kanabec	LASNEM – Pine City	(800) 382-7166
Kanabec (60 and over)	MMLA – Cambridge	(800) 622-7772
Kandiyohi	CMLS – Willmar	(800) 622-4011
Kandiyohi	MMLA – Willmar	(888) 360-3666

<u>County</u>	<u>Office</u>	<u>Client Referral Number</u>
Kittson	LSNM – Moorhead	(800) 450-8585
Koochiching	LASNEM – Grand Rapids	(800) 708-6695
Lac qui Parle	CMLS – Willmar	(800) 622-4011
Lac qui Parle	MMLA – Willmar	(888) 360-3666
Lake	LASNEM – Duluth	(800) 622-7266
Lake of the Woods	LSNM – Bemidji	(800) 450-9201
Leech Lake Reservation	ANISHINABE – Cass Lake	(800) 422-1335
LeSueur	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Lincoln	CMLS – Willmar	(800) 622-4011
Lincoln	MMLA – Willmar	(888) 360-3666
Lyon	CMLS – Willmar	(800) 622-4011
Lyon	MMLA – Willmar	(888) 360-3666
Mahnomen	LSNM – Bemidji	(800) 450-9201
Marshall	LSNM – Moorhead	(800) 450-8585
Martin	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
McLeod	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Meeker	CMLS – Willmar	(800) 622-4011
Meeker	MMLA – Willmar	(888) 360-3666
Mille Lacs	CMLS – St. Cloud	(800) 622-7773
Mille Lacs	MMLA – St. Cloud	(888) 360-2889
Mille Lacs (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Mille Lacs (seniors only)	MMLA – Cambridge	(800) 622-7772
Morrison	CMLS – St. Cloud	(800) 622-7773
Morrison	MMLA – St. Cloud	(888) 360-2889
Morrison (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Mower	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Murray	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Nicollet	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Nobles	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Norman	LSNM – Moorhead	(800) 450-8585
Olmsted	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Ottertail	LSNM – Alexandria	(800) 450-2552
Pennington	LSNM – Moorhead	(800) 450-8585
Pine	LASNEM – Pine City	(800) 382-7166
Pine (Mille Lacs Band of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Pine (60 and over)	MMLA – Cambridge	(800) 622-7772
Pipestone	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Polk	LSNM – Moorhead	(800) 450-8585
Pope	LSNM – Alexandria	(800) 450-2552
Ramsey	SMRLS – St. Paul	(651) 222-4731
Ramsey (Mille Lacs Band of Of Ojibwe)	MMLA – Cambridge	(800) 622-7772
Red Lake	LSNM – Moorhead	(800) 450-8585
Red Lake Reservation	ANISHINABE – Cass Lake	(800) 422-1335
Redwood	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Renville	CMLS – Willmar	(800) 622-4011
Renville	MMLA – Willmar	(888) 360-3666
Rice	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Rock	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Roseau	LSNM – Moorhead	(800) 450-8585

<u>County</u>	<u>Office</u>	<u>Client Referral Number</u>
Scott	SMRLS – Shakopee	(651) 222-4731
Sherburne	CMLS – St. Cloud	(800) 622-7773
Sherburne	MMLA – St. Cloud	(888) 360-2889
Sibley	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
St. Louis (north)	LASNEM – Virginia	(800) 886-3270
St. Louis (south)	LASNEM – Duluth	(800) 622-7266
Stearns	CMLS – St. Cloud	(800) 622-7773
Stearns	MMLA – St. Cloud	(888) 360-2889
Steele	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Stevens	LSNM – Alexandria	(800) 450-2552
Swift	CMLS – Willmar	(800) 622-4011
Swift	MMLA – Willmar	(888) 360-3666
Todd	MMLA – St. Cloud	(888) 360-2889
Todd	CMLS – St. Cloud	(800) 622-7773
Traverse	LSNM – Alexandria	(800) 450-2552
Wabasha	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Wadena (no seniors)	LSNM – Alexandria	(800) 450-2552
Wadena (seniors only)	MMLA – St. Cloud	(888) 360-2889
Waseca	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Washington	SMRLS – St. Paul	(651) 222-4731
Watsonwan	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
White Earth Reservation	ANISHINABE – Cass Lake	(800) 422-1333
Wilkin	LSNM – Moorhead	(800) 450-8585
Winona	SMRLS – Rural Intake & Hotline Project	(888) 575-2954
Wright	CMLS – St. Cloud	(800) 622-7773
Wright	MMLA – St. Cloud	(888) 360-2889
Yellow Medicine	CMLS – Willmar	(800) 622-4011
Yellow Medicine	MMLA – Willmar	(888) 360-3666

MLSC OFFICES

LISTING IS IN ALPHABETICAL ORDER BY OFFICE NAME:

Offices that are capitalized indicate an Administrative/Central Office.

Albert Lea Office – Southern Minnesota Regional Legal Services (Southeast Region)

132 N. Broadway
 Albert Lea, MN 56007
 (507) 377-2831 or (clients only) 1-800-223-0280 **FAX** (507) 377-2832
 (Serving Freeborn, Mower, Rice and Steele Counties)

Alexandria Office – Legal Services of Northwest Minnesota, Inc.

1114 N. Broadway, Suite 4
 Alexandria, MN 56308
 (320) 762-0663 or (clients only) 1-800-450-2552 **FAX** (320) 762-0740
e-mail: legalaid@lsnmlaw.org **web site:** www.lsnmlaw.org
 (Serving Douglas, Grant, Otter Tail, Pope, Stevens, Traverse, and Wadena (no seniors) Counties)

ANISHINABE LEGAL SERVICES – Cass Lake Office

411 1st St. N.W., P. O. Box 157
 Cass Lake, MN 56633
 (218) 335-2223 or (clients only) 1-800-422-1335 **FAX** (218) 335-7988
 (Serving residents of Leech Lake, White Earth, and Red Lake Reservations)

Bemidji Office – Legal Services of Northwest Minnesota, Inc.

215 4th St. N.W.

P. O. Box 1883

Bemidji, MN 56619-1883

(218) 751-9201 or (clients only) 1-800-450-9201 **FAX** (218) 751-9217

e-mail: legaid@lsnmlaw.org

(Serving Beltrami, Clearwater, Hubbard, Lake of the Woods, and Mahnomen Counties)

Brainerd Office – Legal Aid Service of Northeastern Minnesota

14091 Baxter Drive, Suite 116

Baxter, MN 56425-7997

(218) 829-1701 or (clients only) 1-800-933-1112 **FAX** (218) 829-4792

web site: www.lasnem.org

(Serving Aitkin, Cass, and Crow Wing Counties)

Cambridge Office – East Central Minnesota Legal Services (A Division of MMLA)

1700 East Rum River Drive South, Suite B

Cambridge, MN 55008

(763) 689-2849 (local) or (clients only) 1-800-622-7772 **FAX** (763) 552-2849

(Serving LSC clients in Chisago & Isanti Counties; seniors in Anoka, Chisago, Isanti, Kanabec, Mille Lacs and Pine Counties. Also serving members of the Mille Lacs Band of Ojibwe in Aitkin, Crow Wing, Mille Lacs, Morrison, Pine and Ramsey Counties)

CENTRAL MINNESOTA LEGAL SERVICES (CMLS) – Downtown Minneapolis

430 First Avenue North, Suite 359

Minneapolis, MN 55401

(612) 332-8151; New Clients Call: (612) 334-5970 **FAX** (612) 334-3402

(Serving LSC-eligible clients in Hennepin and Anoka Counties)

LEGAL AID SERVICE OF NORTHEASTERN MINNESOTA (LASNEM) – Duluth Office

424 W. Superior St.

302 Ordean Building

Duluth, MN 55802

(218) 726-4800 or (clients only) 1-800-622-7266 **FAX** (218) 726-4804

(Serving Carlton, Cook, Lake, and Southern St. Louis Counties)

Eastside and American Indian Branch Office – Southern Minnesota Regional Legal Services

579 Wells St.

St. Paul, MN 55130

(651) 222-5863 or (clients only) (651) 222-4731 **FAX** (651) 771-4929

Grand Rapids Office – Legal Aid Service of Northeastern Minnesota

350 N.W. 1st Avenue, Suite F

Grand Rapids, MN 55744

(218) 322-6020 or (clients only) 1-800-708-6695 **FAX** (218) 326-6504

web Site: www.lasnem.org

(Serving Itasca and Koochiching Counties)

JUDICARE OF ANOKA COUNTY

1201 89th Ave. N.E., Suite 310

Blaine, MN 55434

(763) 783-4970 or (clients only) 763-783-4970 **FAX** (763) 783-4959

(Serving Anoka County.)

MID-MINNESOTA LEGAL ASSISTANCE (MMLA) – Downtown Minneapolis

Legal Aid Society of Minneapolis, Inc.

430 1st Ave. N., Suite 300

Minneapolis, MN 55401-1780

(612) 332-1441 **TDD** (612) 332-4668 or (clients only) (612) 334-5970 **FAX** (612) 334-5755

Intake hours: 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:30 p.m. (Serving Hennepin County).

Minnesota Disability Law Center (clients only) 1-800-292-4150 (Serving entire state)

Legal Aid Society of Minneapolis, Inc. – Mid-Minnesota Legal Assistance (Northside Office)

125 West Broadway, Suite 105

Minneapolis, MN 55411

(612) 332-1441 or (clients only) (612) 334-5970 **FAX** (612) 521-8325

(Serving Hennepin County)

Special Project: Housing Discrimination Law Project

Legal Aid Society of Minneapolis, Inc. – Mid-Minnesota Legal Assistance (Southside Office)

2929 4th Ave. S., Suite 201

Minneapolis, MN 55408

(612) 332-1441 or (clients only) (612) 334-5970 **TDD** (612) 827-1491 **FAX** (612) 827-7890

(Serving Hennepin County)

Special Projects: Senior Law Project and Youth Law Project

LEGAL SERVICES ADVOCACY PROJECT (LSAP)

Midtown Commons

2324 University Avenue West, Suite 101

St. Paul, MN 55114

(651) 222-3749 **FAX** (651) 603-2750

(Providing legislative and administrative advocacy for all Minnesota Legal Services programs)

Mankato Office – Southern Minnesota Regional Legal Services (Southwest Region)

12 Civic Center Plaza, Suite 3000

P. O. Box 3304

Mankato, MN 56002-3304

(507) 387-5588 or (clients only) 1-800-247-2299 **FAX** (507) 387-2321

(Serving Blue Earth, Brown, Faribault, LeSueur, Martin, McLeod, Nicollet, Sibley, Waseca, and Watonwan Counties)

Special Project: Minnesota Family Farm Law Project (Serving the entire 33-county SMRLS service area) (507) 387-1211 **FAX** (507) 387-2321

LEGAL SERVICES OF NORTHWEST MINNESOTA, INC. (LSNM) – Moorhead Office

P. O. Box 838

1015 7th Avenue North

Moorhead, MN 56560-0838

(218) 233-8585 or (clients only) 1-800-450-8585 **FAX** (218) 233-8586

e-mail: legalaid@lsnmlaw.org; **web site:** www.lsnmlaw.org

(Serving Becker, Clay, Kittson, Marshall, Norman, Pennington, Polk, Red Lake, Roseau, and Wilkin Counties)

Pine City Office – Legal Aid Service of Northeastern Minnesota

235 Main Street South

Pine City, MN 55063

(320) 629-7166 or (clients only) 1-800-382-7166 **FAX** (320) 629-0185

(Serving LSC clients in Kanabec and Pine Counties)

Red Lake Office – Anishinabe Legal Services

P. O. Box 291
Red Lake, MN 56671
(218) 679-2281 or (clients only) 1-866-679-2281 **FAX** (218) 679-2392

Refugee, Immigrant and Migrant Services – Southern Minnesota Regional Legal Services – Fargo Office

118 Broadway North, Suite 616
Fargo, ND 58102-4947
(701) 232-8872 or (clients only) 1-800-832-5575 **FAX** (701) 232-8366 (Serving migrant farm workers in the Red River Valley along the Minnesota and North Dakota borders, as well as the entire State of North Dakota)

Refugee, Immigrant and Migrant Services – Southern Minnesota Regional Legal Services – St. Paul Office

450 North Syndicate Street, Suite 325
St. Paul, MN 55104
(651) 255-0797 or (651) 291-2837, (outstate clients only) 1-800-652-9733
FAX (651) 645-0757 **e-mail:** rims@smrls.org

Rochester Office – Southern Minnesota Regional Legal Services (Southeast Region)

903 West Center Street
Suite 130
Rochester, MN 55902
(507) 292-0080 or (clients only) 1-866-292-0080 **FAX** (507) 292-0060
(Serving Dodge, Fillmore, Goodhue, and Olmsted, Rice, Steele and Wabasha Counties)

St. Cloud Office – Central Minnesota Legal Services

830 W. St. Germain, Suite 309
P. O. Box 1598
St. Cloud, MN 56302
(320) 253-0138 or (clients only) 1-800-622-7773 **FAX** (320) 253-9208
(Serving LSC-eligible clients in Benton, Chisago, Isanti, Mille Lacs, Morrison, Sherburne, Stearns, Todd, and Wright Counties)

ST. CLOUD AREA LEGAL SERVICES – A Division of MMLA

830 W. St. Germain, Suite 300
P. O. Box 886
St. Cloud, MN 56302
(320) 253-0121 or (clients only) 1-888-360-2889 (voice/TDD) **FAX** (320) 253-5794
(Serving Benton, Mille Lacs, Morrison, Sherburne, Stearns, Todd, and Wright Counties and senior clients in Benton, Morrison, Sherburne, Stearns, Todd, Wadena, and Wright Counties)

Special Project: Minnesota Family Farm Law Project

(Serving Benton, Hennepin, Kanabec, Mille Lacs, Morrison, Pine, Sherburne, Stearns, Todd, Wright Counties and Northeastern Minnesota)

Shakopee – Southern Minnesota Regional Legal Services

712 Canterbury Road South
Shakopee, MN 55379
(952) 402-9890 Intake number for clients: (651) 222-4731 **FAX** (952) 402-9864
(Serving LSC clients in Carver, Dakota and Scott Counties and seniors in Carver and Scott Counties)

SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES (SMRLS) – St. Paul Central Office

166 E. 4th Street, Suite 200

St. Paul, MN 55101

(651) 222-5863 **FAX** (651) 297-6457 Intake number for new clients: (651) 222-4731

Hours: 9:00 a.m. – 12:00 noon and 1:00 – 3:00 p.m.

(Serving Dakota (seniors only), Ramsey and Washington Counties)

Special Projects: Homeless Outreach Prevention and Education Project (H.O.P.E.)

(Serving Ramsey County.) Intake number for new clients: (651) 842-1501; Hours: 9:00 a.m.

– 12:00 noon – M-F; 1:00 p.m. – 4:30 p.m. – M-W-F

Housing Equality Law Project

Education Law Advocacy Project – Intake 800-652-9733

Senior Law Project - Intake number for new senior clients: (651) 224-7301; Hours: 9:00 a.m. – 12:00 noon

Thief River Falls Office – Legal Services of Northwest Minnesota, Inc.

220 Pennington Avenue S., Suite B

Thief River Falls, MN 56701

(218) 681-7710; 1-800-450-8585 **FAX** (218) 681-7710

Virginia Office – Legal Aid Service of Northeastern Minnesota

Olcott Plaza, Suite 150

820 N. 9th St.

Virginia, MN 55792

(218) 749-3270 (voice/TDD) or (clients only) 1-800-886-3270 **FAX** (218) 749-0706

(Serving North St. Louis County)

White Earth Office – Anishinabe Legal Services

P. O. Box 291

White Earth, MN 56591

(218) 983-4658 or (clients only) (877) 800-7295 **FAX** (218) 983-3717

Willmar Office – Central Minnesota Legal Services

415 7th Street S.W., Suite 101

Willmar, MN 56201

(320) 235-7662; **TDD** (320) 235-2820 or (clients only) 1-800-622-4011 **FAX** (320) 235-9496

(Serving LSC-eligible clients in Big Stone, Chippewa, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Meeker, Renville, Swift and Yellow Medicine Counties)

Willmar Office – Western Minnesota Legal Services (A Division of MMLA)

415 7th Street S.W.

P. O. Box 1866

Willmar, MN 56201

(320) 235-9600; **TDD** (320) 235-2820 or (clients only) 1-888-360-3666 **FAX** (320) 235-1030

(Serving Big Stone, Chippewa, Kandiyohi, Lac qui Parle, Lincoln, Lyon, Meeker, Renville, Swift and Yellow Medicine Counties)

Winona Office – Southern Minnesota Regional Legal Services (Southeast Region)

66 E. 3rd St.

Suite 204

Winona, MN 55987-3478

(507) 454-6660 or (clients only) 1-800-372-8168 **FAX** (507) 454-6667

(Serving Dodge, Fillmore, Goodhue, Houston, Olmsted, Wabasha and Winona Counties)

Worthington Office – Southern Minnesota Regional Legal Services (Southwest Region)

421 Tenth Street

Worthington, MN 56187

(507) 372-7368 or (clients only) 1-800-233-0023 **FAX** (507) 372-2574

(Serving Cottonwood, Jackson, Murray, Nobles, Pipestone, Redwood and Rock Counties)

NON-MLSC OFFICES

THE ADVOCATES FOR HUMAN RIGHTS

650 3rd Avenue South

Suite 550

Minneapolis, MN 55402-1940

(612) 341-3302 **FAX** (612) 341-2971

(612) 341-9845 (clients only)

BATTERED WOMEN LEGAL ADVOCACY PROJECT

1611 Park Avenue, Suite 2

Minneapolis, MN 55404

(612) 343-9842 or 1-800-313-2666

FAX (612) 343-0786

web site: www.bwlap.org

CENTRO LEGAL, INC.

2610 University Avenue West

Suite 450

St. Paul, MN 55114-1024

(651) 642-1890 **FAX** (651) 642-1875

CHILDREN'S LAW CENTER OF MN

450 N. Syndicate Street, Suite 315

St. Paul, MN 55104-1913

(651) 644-4438 **FAX** (651) 646-4404

web site: www.clcmn.org

DISPUTE RESOLUTION CENTER

91 East Arch Street

St. Paul, MN 55130-4301

(651) 292-7791 **FAX** (651) 292-6065

web site: www.disputeresolutioncenter.org

HAMLIN UNIVERSITY SCHOOL OF LAW

1536 Hewitt Avenue

St. Paul, MN 55104

(651) 523-2898 **FAX** (651) 523-2400

HOME Line

3455 Bloomington Avenue

Minneapolis, MN 55407

(612) 728-5767 or (866) 866-3546

FAX (612) 728-5761

ICWA LAW CENTER

1113 E. Franklin Ave., Suite 210

Minneapolis, MN 55404

(612) 879-9165 or 1-866-879-0123

FAX (612) 879-0323

IMMIGRANT LAW CENTER OF MINNESOTA

450 North Syndicate Street, Suite 175

St. Paul, MN 55104

(651) 641-1011 or 1-800-223-1368

FAX (651) 641-1131

web site: www.ilcm.org

INDIAN LEGAL ASSISTANCE PROGRAM (Duluth)

107 W. First Street

Duluth, MN 55802

(218) 727-2881 or 1-888-249-3205

FAX (218) 720-6438

INDIAN LEGAL ASSISTANCE PROGRAM (ONAMIA)

43500 Oodena Drive

Onamia, MN 56359

(320) 532-7520 or (800) 709-6445, ext. 7520

FAX (320) 532-7526

LEGAL ASSISTANCE OF DAKOTA COUNTY, LTD.

14800 Galaxie Avenue, Suite 103

Apple Valley, MN 55124

(952) 431-3200 **FAX** (952) 431-3202

LEGAL ASSISTANCE OF OLMSTED COUNTY

1136 7th Street N.W.

Rochester, MN 55901

(507) 287-2036 **FAX** (507) 287-2035

LEGAL ASSISTANCE OF WASHINGTON COUNTY

275 South Third Street, Suite 103

Stillwater, MN 55082

(651) 351-7172 **FAX** (651) 351-9342

LEGAL ASSISTANCE TO MINNESOTA PRISONERS (LAMP)

875 Summit Avenue
Room 254
St. Paul, MN 55105
(651) 290-6413 **FAX** (651) 290-6407

LEGAL RIGHTS CENTER, INC.

1611 Park Avenue South
Minneapolis, MN 55404-1683
(612) 337-0030 **FAX** (612) 337-0797
e-mail: office@legalrightscenter.org

LEGAL SERVICES OF NORTH DAKOTA

Fargo Office-Immigration Law Project
P. O. Box 1327
118 Broadway, Suite 704
Fargo, ND 58107-1327
(701) 232-4495 (800) 634-5263
FAX (701) 232-0892
Senior Legal Hotline: (866) 621-9886
web site: www.legalassist.org

LegalCORPS

600 Nicollet Mall, Suite 390A
Minneapolis, MN 55402-1039
(612) 752-6678 **FAX** (612) 333-4927
web site: www.legalcorps.org

LOAN REPAYMENT ASSISTANCE PROGRAM OF MINNESOTA, INC.

600 Nicollet Mall
Suite 380
Minneapolis, MN 55402-1605
(612) 278-6315
web site: www.lrapmn.org

MAO LEGAL SERVICES

Volunteers of America of MN
2021 East Hennepin
Suite 200
Minneapolis, MN 55413-2726
(612) 676-6300 **FAX** (612) 379-0746
web site: www.voamn.org

MINNESOTA AIDS PROJECT

1400 Park Avenue
Minneapolis, MN 55404
(612) 341-2060 **FAX** (612) 341-4057
AIDSLine: 612-373-2437
web site: www.mnaidsproject.org

MINNESOTA ASSISTANCE COUNCIL FOR VETERANS (MACV)

360 North Robert, Suite 306
St. Paul, MN 55101
MACV-Minneapolis serves central part of Minnesota. (612) 726-1327; **FAX** (612) 725-2082
MACV-Duluth serves northern half of Minnesota. (218) 722-8763 **FAX** (218) 727-9358
MACV-Mankato serves southern part of Minnesota. (507) 345-8258 **FAX** (507) 345-2008

MINNESOTA BOARD ON AGING

P. O. Box 64976
St. Paul, MN 55164-0976
(651) 431-2500 (800) 882-6262
FAX (651) 431-7453
Senior Linkage Line: 1-800-333-2433
web sites: www.mnaging.org and www.minnesotahelp.info
e-mail: dhs_mba@state.mn.us

MINNESOTA FAMILY FARM LAW PROJECT (MFFLP) AND FARMERS' LEGAL ACTION GROUP (FLAG)

360 N. Robert Street, Suite 500
St. Paul, MN 55101
MFFLP (651) 223-5333
MFFLP Information and Referral: 1-800-233-4534
FLAG (651) 223-5400
FAX (651) 223-5335
e-mail: lawyers@flaginc.org
web site: www.flaginc.org
Also, Mankato (507) 387-1211 and St. Cloud (320) 253-0121

MINNESOTA JUSTICE FOUNDATION (MJF)

229 19th Ave. S.
Minneapolis, MN 55455
Hamline office: (651) 523-2081
FAX (651) 523-3087
University of Minnesota office: (612) 625-1584 **FAX** (612) 626-0056
University of St. Thomas office: (651) 962-4859 **FAX** (651) 962-4859
William Mitchell office: (651) 290-8658 **FAX** (651) 290-6407

**MINNESOTA STATE BAR
ASSOCIATION (MSBA)**

600 Nicollet Mall, Suite 380
Minneapolis, MN 55402
(612) 333-1183
FAX (612) 333-4927
web site: www.mnbar.org

**REENTRY CLINIC AT WILLIAM
MITCHELL**

875 Summit Avenue
Room 254
St. Paul, MN 55105
(651) 290-6413
FAX (651) 290-6407

SOUTHWEST CRISIS CENTER

P. O. Box 111
920 Diagonal
Worthington, MN 56187
(800) 376-4311
FAX (507) 372-4311

TUBMAN FAMILY ALLIANCE

4432 Chicago Avenue South
Minneapolis, MN 55407
(612) 871-0118 **FAX** (612) 870-2403

**TWIN CITIES CHRISTIAN LEGAL AID
(TCCLA)**

First Covenant Church
810 South 7th Street
Minneapolis, MN 55415
(763) 972-3400 **FAX** (763) 972-3404
web site: www.tccla.org

**UNITED CAMBODIAN ASSOCIATION
OF MINNESOTA**

1101 Snelling Avenue North
St. Paul, MN 55108
(651) 222-3299 **FAX** (651) 222-3599

**UNIVERSITY OF MINNESOTA LAW
CLINICS**

190 Walter F. Mondale Hall
229 19th Ave. S.
Minneapolis, MN 55455
(612) 625-5515 **FAX** (612) 624-5771

**UNIVERSITY OF ST. THOMAS LAW
SCHOOL**

Legal Services Clinic
Immigration Law Practice Group
1000 LaSalle Avenue, MSL 100
Minneapolis, MN 55403
(651) 962-4960 **FAX** (651) 962-4969

VOLUNTEER ATTORNEY PROGRAM

1000 Torrey Building
314 West Superior Street
Duluth, MN 55802
(218) 723-4005 (clients only)
FAX (218) 722-5480
(Serving Carlton, Cook, Itasca, Lake, and
St. Louis Counties.)

**VOLUNTEER LAWYERS NETWORK,
LTD.**

(formerly, Legal Advice Clinics, Ltd.)
600 Nicollet Mall, Suite 390A
Minneapolis, MN 55402-1641
(612) 752-6655 (clients only) (612) 752-
6677 **FAX** (612) 752-6656
(Volunteer attorney coordinator for
Hennepin County.)

WILLIAM MITCHELL COLLEGE OF LAW

Clinical Program
875 Summit Avenue
St. Paul, MN 55105
(651) 290-6351 **FAX** (651) 290-6407



Individual/Family Preparedness

On this page:

[General preparedness](#)

[Natural disasters](#)

[Disease hazards](#)

[Food and drinking water safety in emergencies](#)

[Chemical and radiological hazards](#)

General preparedness

- [Minnesota codeReady](#)
Enter your data to create custom plans or kits, learn about common Minnesota emergencies, and get contact information for emergency preparedness in your community. Non-MDH link
- [Ready.gov](#)
Make a plan or print various kits. Non-MDH link
- [ReallyReady.org](#)
Providing comprehensive and correct emergency preparedness information for families, businesses, and individuals with disabilities. Non-MDH link
- [FEMA Are You Ready? An In-Depth Guide to Citizen Preparedness](#)
A booklet to help you get informed about local emergency plans, identify hazards that affect your local area, and develop and maintain an emergency communications plan and disaster supplies kit. Non-MDH link
- [Family Information for Medical Emergencies](#)
Gathering basic medical information about each member of your family can help you get the medical assistance you need during an emergency. Translated into 11 languages.
- [Emergency Planning for Families of Children and Youth with Special Health Needs](#)
Emergencies or disasters are difficult for most families, but for those with special needs, the ability to manage can become more difficult. Resources and links to assist families in preparing and reacting to disasters and emergencies.

Natural disasters

- [Natural Disasters](#)
Floods, cold weather, extreme heat and wildfires all occur periodically in Minnesota.

Disease hazards

- [Bioterrorism](#)
Bioterrorism basics, diseases that may be used to cause harm, and information for health professionals including infection control, laboratory testing, surveillance systems.
- [Infectious Diseases and Conditions A to Z](#)

Some infectious diseases can cause widespread emergencies.

- Pandemic Influenza Planning
Pandemic basics; information for schools, health professionals and local public health agencies; what MDH is doing to plan for a pandemic; and what other state agencies are doing.

Food and drinking water safety in emergencies

- Food Safety in Emergencies
Did you know that a flood, fire, national disaster, or the loss of power from high winds, snow, or ice could jeopardize the safety of your food? Knowing how to determine if food is safe and how to keep food safe will help minimize the potential loss of food and reduce the risk of foodborne illness.
- Drinking Water Safety in Emergencies
Following natural disasters and other types of emergencies, drinking water in affected areas may become contaminated and cause outbreaks of disease. Problems with sanitation, including lack of water, toilet facilities, or damaged water wells can also increase the likelihood of waterborne disease.

Chemical and radiological hazards

- Chemical Emergencies
Answers questions about chemical terrorism, describes possible signs of harmful chemical exposures, more signs and health symptoms of a chemical attack or accident, contact information and more.
- Radiation Emergencies
Information on dirty bombs, radioactive material, what to do after an explosion, and more.



[Need Help Opening a PDF File?](#)

For questions about this page, please use the [Office of Emergency Preparedness Comment Form](#).

Updated Monday, 26-Jan-2009 09:55:21 CST

Pandemic Flu Facts

What is pandemic influenza? How is it different from ordinary flu? How likely is an influenza pandemic? What would it be like in Minnesota?

What is pandemic flu?

A pandemic occurs when a disease spreads rapidly, affecting most countries and regions of the world. Influenza pandemics have occurred periodically throughout human history – including a major pandemic in 1918, and smaller pandemics in 1957 and 1968. The symptoms of pandemic influenza are similar to those of ordinary flu but are usually more severe.

How does a flu pandemic start?

Flu viruses are constantly changing, producing new strains. Influenza pandemics occur when a virus emerges that is so different from previously strains that few, if any, people have any immunity to it. This allows it to spread widely and rapidly, potentially affecting millions of people worldwide. The new virus may be the result of an animal virus, usually from a bird, mixing with a human virus to produce a new strain.

What is the difference between pandemic flu and seasonal flu?

Seasonal Flu

- Occurs every year during the winter
- Affects up to about 10% of the population
- For most people it is an unpleasant but not life-threatening infection
- The very young, the very old, and people with certain chronic illnesses are most at risk of serious illness
- Annual vaccination is available
- Antiviral drugs are available to treat those at special risk

Pandemic Flu

- Has occurred three times in the last 90 years
- Can occur at any time of the year
- It is a more serious infection for everyone
- People of every age may be at risk of serious illness
- A vaccine probably won't be available when the pandemic starts – when it does become available the aim will be to immunize people as rapidly as possible as vaccine supplies become available
- Antiviral drugs are likely to be in limited supply and will have to be used to best effect according to how the disease develops

Vaccine against ordinary flu will not protect against pandemic flu. However, getting your annual flu shot is one of several things you can do to keep yourself healthy, and that may help you fight off the pandemic virus.

How likely is a flu pandemic?

Three pandemics have occurred in the last 90 years, in 1918, 1957 and 1968. Scientists predict that another pandemic will happen, although they cannot say exactly when. They also don't know if the next pandemic will be mild, moderate, or severe.

- Pandemics and Pandemic Scares in the 20th Century
(<http://www.hhs.gov/nvpo/pandemics/flu3.htm>)

The Department of Health and Human Services (DHHS) has compiled a summary of the pandemics and "pandemic scares" that have occurred in the last 100 years.



Minnesota Department of Health
625 N. Robert St.
P.O. Box 64975
St. Paul, MN 55164-0975
651-201-5414
www.health.state.mn.us

Pandemic Flu Facts – page 2

Will I to catch pandemic flu?

You are more likely to catch it than ordinary flu because it spreads rapidly and very few people will have any immunity to it. Everyone will be at risk. Some groups of people may be more at risk than others. With ordinary flu the groups of people more likely to become seriously ill include:

- The very young
- People over 65 years of age
- People with existing medical conditions such as lung diseases, diabetes, cancer, kidney, or heart problems
- People who have immune system problems because of certain medical treatments, or illnesses like HIV/AIDS

These groups may be different during a pandemic.

What was the 1918 pandemic like in Minnesota?

In Minnesota, more than 75,000 people got sick, and over 7,500 died just during October, 1918.

- Yesterday's News: Sunday, Oct. 13, 1918: Flu Epidemic Closes Churches, Schools, Dance Halls, Theaters
(<http://www.startribune.com/blogs/oldnews/?p=41>)
Star and Tribune headlines, stories and photographs from 1918.
- Minnesota State Summit: History Supplement
(<http://www.pandemicflu.gov/general/greatpandemic2.html#minnesota>)
Remarks by HHS Secretary Honorable Mike Leavitt about the 1918 pandemic in Minnesota.

What would the next pandemic be like in Minnesota?

In 1918, pandemic influenza spread across the country in less than a month. Now, in the era of international air travel, a new pandemic will probably spread even faster, reaching Minnesota quickly after it is identified. Since everyone in the country would be hit pandemic at about the same time, we shouldn't expect help from other states.

Many people will get sick, and some will die. We expect that around 25% or 30% of our population might get the disease over the course of several months, and around two percent will die. People won't be able to come to work because they are sick, are caring for someone who is sick, or are scared they will get sick from others at work, so absenteeism rates may be very high. Services in your community, such as utilities, grocery stores, and public transportation may be disrupted. Schools may close.

Hospitals and clinics will be very full, and will be completely overwhelmed. Many people will be cared for at home. Others may get care at huge sites like the metro dome.

Eventually there will be a vaccine, but it will take months to be produced, and there won't be enough for everyone at first.

Pandemic Flu Facts – page 3

Will schools close?

In 1918, schools were closed several times. Teachers were asked to help with the pandemic; students were asked to stay home. Schools were also closed in some places during the SARS outbreak of 2003. Schools often experience outbreaks of seasonal influenza in Minnesota.

During the next pandemic, the Minnesota Department of Health might recommend school closures. The governor has the authority to declare a state of emergency, at which point he could close schools and other public gatherings.

Will there be a vaccine for the pandemic flu?

Scientists are working now to develop a vaccine for the H5N1 “bird flu” virus. However, the H5N1 virus may or may not end up causing a pandemic. If H5N1 mutates enough to cause a pandemic, the H5N1 vaccine may no longer work. And a future pandemic could be caused by a completely different strain.

Flu vaccines have to be made specifically for a particular strain of the flu virus. That’s why the vaccine for “regular” flu has to be changed each year, because the virus also changes from year to year.

Flu vaccine also takes several months to produce. Once scientists identify a pandemic strain, a matching vaccine will be developed. It takes at least six months to do the necessary research, grow the virus, make the vaccine and test it. Therefore, we are unlikely to have vaccine available during the first stages of a pandemic. It may be available later, in time to prevent a second or third wave of illness.

What can I do now?

- What You Can Do To Prepare for Pandemic
(<http://www.health.state.mn.us/divs/idepc/diseases/flu/pandemic/prepare.html>)
Fact sheet from MDH to help you prepare.

More information about pandemics

- Ten Things You Need to Know About Pandemic Influenza
(<http://www.who.int/csr/disease/influenza/pandemic10things/en/index.html>)
WHO fact sheet giving an overview of possible effects of influenza pandemic.
- General Information - PandemicFlu.gov
(<http://www.pandemicflu.gov/general/>)
Overview of pandemics, and the possible pandemic threat we’re facing right now.

AMERICAN BAR ASSOCIATION
 STANDING COMMITTEE ON CLIENT PROTECTION

STATE IMPLEMENTATION OF
 ABA MODEL COURT RULE ON PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF
 MAJOR DISASTER

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
AL		X		
AK				
AZ	Rule 39, Rules of the Supreme Court http://www.supreme.state.az.us/rules/2008/%20Rules%20a/R-07-0017.pdf			
AR				
CA		X		In May 2008 the Board of Governors of the State Bar of California voted to recommend to the California Supreme Court that no action need be taken on the model court rule.
DE	Supreme Court Rule 58  Rule Amendment 58 and DLRPC Rule 5.5.1			
DC		X		DC Bar has established a working group to make recommendation to the Board of Governors. Rule 49 may already allow "temporary/

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
				intermittent practice”.
FL		X		Florida is recommending adoption and new Rule 1-3.12 has been approved by The Florida Bar Board of Governors at their July 2008 meeting and the existing Rule 4-5.5 was changed to adopt the Model Court Rule. The Rule changes needs to be submitted to the Supreme Court of Florida for approval. The Florida Bar and the Supreme Court of Florida are in negotiations to change the cycle for submitting rule changes from 1 to 2 years. The Florida Bar anticipates submitting the next Rule package to the Supreme Court of Florida within the next 12-24 months.
GA		X		
HI			X	
ID				
IL		X		Materials forwarded to the ISBA's Standing Committee on Professional Responsibility. Their next meeting is scheduled for February 8, 2008.
IA	Iowa Court Rules 31.17, 31.25 (Form 3) and Iowa Rule of Professional Conduct 32:5.5 Comment [14a] (May 14, 2007, effective immediately) http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf			

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
KS				
KY				
LA		X		Decided to use the ABA Model Court Rule as a starting point, but suggest modifications to the Court.
MD		X		Court of Appeals studying the issue.
MA				

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
MI		X		On April 12, 2008 the Representative Assembly of the State Bar of Michigan adopted a resolution recommending that the Michigan Supreme Court adopt the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. http://www.michbar.org/generalinfo/pdfs/4-12-08disaster.pdf
MN		X		On April 25, 2008 the Minnesota State Bar Association authorized a petition to the Minnesota Supreme Court to adopt, with one exception, the ABA Model Court Rule. The MSBA will not be asking the Court to adopt the amendment to Rule 5.5 of the Rules of Professional conduct. The reason for this is that the Court specifically declined to adopt the comments to the rules and, thus, would not likely be willing to amend a comment they never adopted.
MS		On November 27, 2007 the Special Panel on Rules Governing Admission to the Mississippi Bar submitted a report and Recommendations to the Mississippi Supreme Court. The panel recommended the adoption of new Mississippi Rules of Appellate Procedure Rule 46(f): Temporary Admission and Practice upon Declared Emergencies.		On October 15, 2007, the Sup. Ct. of Mississippi adopted an Amendment to Rule 46 of the MS Rules of Appellate Procedure to include a provision for Pro Bono Publicus Attorneys. The purpose of Rule 46(f) is to permit and encourage attorneys who do not engage in the active practice of law in MS to provide legal representation to persons who cannot afford private legal services. See http://www.mssc.state.ms.us/Images/Opinions/143112.pdf Although Rule 46(f) doesn't quite emulate the Katrina Model Court Rule, it does facilitate deployment of out-of-state pro bono lawyers (whether or not there is a declared disaster).
MO	Adopted Rule effective January 1, 2008			

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
	http://www.mobar.org/data/esq07/oct19/corrected-order.pdf			
MT				Pending before State Bar Board of Governors.
NE		X		Volunteer Lawyers Committee is studying.
NV				
NH		X		The NH Supreme Court Advisory Committee on Rules considered the ABA Model Court Rule and in March 2008 referred it to public hearing. http://www.courts.state.nh.us/committees/advjscommrules/mar2008m.pdf
NJ	Rules Governing the Courts of the State of New Jersey (Effective September 1, 2008). Rule 1:21-10. Provision of Legal Services Following Determination of Major Disaster http://www.law.com/jsp/nj/PubArticleNJ.jsp?id=1202422998686			
NM				
NY		X		On June 30, 2007 the NY State Bar House of Delegates approved a Katrina Model Rule that is similar to the ABA Model Court Rule. On July 3, 2007 the rule was sent to the NY Court of Appeals for approval.
NC			On January 24, 2008 the North Carolina State Bar Issues	

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
			Steering Comm. decided not to adopt. The Committee believed that existing provisions in the State's administrative rules and Rules of Professional Conduct are sufficient.	
ND		X		
OH				
OR	Supreme Court Rule 146 http://www.publications.ojd.state.or.us/RULE146.htm			
PA				On PBA Ethics Committee Agenda for the Committee's February 19, 2008 meeting.
SC				
SD				
TN		X		The Tennessee Bar Association has filed a petition with the Supreme Court of Tennessee recommending the adoption of a Katrina Court Rule. See the bottom right column.... http://tba.org/ethics/index.html

	Adopted Rule (7) (AZ, DE, IA, MO, NJ, OR and WA)	Considering Adoption (18) (AL, CA, DC, FL, GA, IL, LA, MD, MI, MN, MS, NE, NH, NY, ND, TN, TX and VA)	Decided Not To Adopt (2) (HI and NC)	Other Info
TX		X		(Chief Justice Wallace Jefferson recently appointed Denise Davis as Chair of Task Force to study.)
UT				
VT				
VA		X		As of September 16, 2008, pending in the Virginia Supreme Court. http://www.vsb.org/site/regulation/provision-of-legal-services-following-determination-of-major-disaster
WA	Effective September 1, 2008 http://www.courts.wa.gov/court_Rules/proposed/2007Nov/APR27.doc			
WV				
WI				
WY				

Copyright © 2008 American Bar Association. All rights reserved. Nothing contained in this chart is to be considered the rendering of legal advice. The charts are intended for educational and informational purposes only. We make every attempt to keep these charts as accurate as possible. If you are aware of any inaccuracies in the charts, please send your corrections or additions and the source of that information to John Holtaway, (312) 988-5298, jholtaway@staff.abanet.org.

IN THE SUPREME COURT OF THE STATE OF OREGON

In the Matter of the) ORDER NO. 09-008
 SUPREME COURT RULE)
 FOR PROVISION OF LEGAL SERVICES) ORDER
 FOLLOWING DETERMINATION OF)
 MAJOR DISASTER)

At its public meeting on January 6, 2009, the court considered and approved the proposed Supreme Court Rule regarding the Provision of Legal Services Following Determination of Major Disaster. This rule was approved by the House of Delegates at its November 7, 2008 meeting.

IT IS HEREBY ORDERED that the attached Supreme Court Rule is approved and effective immediately.

Dated this 20th day of January, 2009.

Paul J. De Muniz
 Chief Justice

**Provision of Legal Services
 Following Determination of Major Disaster**

(a) *Declaration of Emergency.* Solely for purposes of this Rule, this Court **may** declare an emergency when a natural or other major disaster substantially disrupts the justice system in Oregon or in another jurisdiction (after the highest court of that jurisdiction has made such a determination), as a result of which:

- (1) Oregon residents or displaced persons from another jurisdiction residing in Oregon are in need of legal services that cannot **reasonably** be provided by Oregon lawyers alone; or
- (2) lawyers licensed in the other jurisdiction are displaced and unable to practice law in the other jurisdiction.

(b) *Temporary Pro Bono Practice in Oregon Following Major Disaster.* Following the declaration of an emergency under paragraph (a)(1) of this Rule, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon on a temporary basis to persons in need of legal services as a result of the disaster, on a pro bono basis without compensation, expectation of compensation or other direct or indirect pecuniary gain to the lawyer, and performed under the auspices of an established not-for-profit bar association, pro bono program or legal services program or through organization(s) specifically designated by this Court.

(c) *Temporary Practice in Oregon by Displaced Lawyers from Another Jurisdiction.*

Following the declaration of emergency under paragraph (a) (2) of this Rule, a lawyer who is authorized to practice law and whose principal office is in that affected jurisdiction, and who is not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in Oregon on a temporary basis to any client provided the legal services arise out of or are reasonably related to the lawyer's practice of law in the other jurisdiction.

(d) *Duration of Authority for Temporary Practice.* The authority to practice law in Oregon granted by paragraph (b) of this Rule shall end when this Court determines that the disruption of the justice system in this or the other jurisdiction has ended, after which lawyers practicing under such authority shall not accept any new clients or matters. Notwithstanding the termination of authority, a lawyer then representing a client with a legal matter pending in Oregon is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation. The authority to practice law in Oregon granted by paragraph (c) of this Rule shall end sixty [60] days after this Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

(e) *Court Appearances.* The authority granted by this Rule does not include appearances in court except:

(1) pursuant to UTCR 3.170 and, if such authority is granted, the fees for admission shall be waived; or

(2) if this Court, in any determination made under paragraph (a), grants blanket permission to appear in all or designated courts of Oregon to lawyers providing legal services pursuant to paragraph (b). If such an authorization is included, the pro hac vice admission fees shall be waived.

(f) *Disciplinary Authority and Registration Requirement.* Lawyers providing legal services in Oregon pursuant to paragraphs (b) or (c) are subject to this Court's disciplinary authority and the Oregon Rules of Professional Conduct as provided in Rule 8.5 thereof. Lawyers providing legal services in Oregon under paragraphs (b) or (c) shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Clerk of this Court in a form prescribed by this court. A lawyer who provides legal services pursuant to this Rule shall not be considered to be engaged in the unlawful practice of law in Oregon.

(g) *Notification to Clients.* Lawyers authorized to practice law in another United States jurisdiction who provide legal services pursuant to his Rule shall inform clients in Oregon of the jurisdictional limits of their practice authority, including that they are not authorized to practice law in Oregon except as permitted by this Rule, and shall not state or imply to any person that they are otherwise authorized to practice law in Oregon.



PROPOSAL TO ADOPT AMERICAN BAR ASSOCIATION (ABA) MODEL COURT RULE ON PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

Issue

Should the Representative Assembly recommend that the Supreme Court adopt the ABA Model Court Rule on the provision of legal services following determination of a major disaster?

Synopsis

On February 12, 2007, the ABA House of Delegates adopted a Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. The concept for the model rule was prompted by the recognition that planning for disasters such as Hurricane Katrina should include planning for significant needs for legal assistance across state lines to disaster victims.

By unanimous recommendation of the Justice Policy Initiative and the Pro Bono Initiative, the Committee on Justice Initiatives unanimously recommends the adoption of the ABA model rule in Michigan.

Text of Model Court Rule provided by the ABA:

© 2007 American Bar Association

RULE ____ . PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

(a) *Determination of existence of major disaster.* Solely for purposes of this Rule, this Court shall determine when an emergency affecting the justice system, as a result of a natural or other major disaster has occurred in:

- (1) this jurisdiction and whether the emergency caused by the major disaster affects the entirety or only a part of this jurisdiction, or
- (2) another jurisdiction but only after such a determination and its geographical scope have been made by the highest court of that jurisdiction. The authority to engage in the temporary practice of law in this jurisdiction pursuant to paragraph (c) shall extend only to lawyers who principally practice in the area of such other jurisdiction determined to have suffered a major disaster causing an emergency affecting the justice system and the provision of legal services.

(b) *Temporary practice in this jurisdiction following major disaster.* Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (a) of this Rule, or a determination that persons displaced by a major disaster in another jurisdiction and residing in this jurisdiction are in need of pro bono services and the assistance of lawyers from outside of this jurisdiction is required to help provide such assistance, a lawyer authorized to practice law in another United States jurisdiction, and not disbarred, suspended from practice or otherwise restricted from practice in any jurisdiction, may provide legal services in this jurisdiction on a temporary basis. Such legal services must be provided on a *pro bono* basis without compensation, expectation of compensation or other direct or

services must arise out of and be reasonably related to the lawyer's practice of law in the affected jurisdiction. The Court in the affected jurisdiction shall determine when a major disaster has occurred in another jurisdiction but only after such a determination and the geographical scope of the disaster have been made by the highest court of that other jurisdiction. The authority to engage in the temporary practice of law in an unaffected jurisdiction pursuant to paragraph (c) shall extend only to those lawyers who principally practice in the area of a jurisdiction determined to have suffered an emergency affecting the justice system and the provision of legal services.

Emergency conditions created by major disasters end, and when they do, the authority created by the Model Court Rule also ends with appropriate notice to enable lawyers to plan and to complete pending legal matters. Under paragraph (d), the highest court in the affected jurisdiction determines when those conditions end only for purposes of the Model Court Rule. The authority granted under paragraph (b) shall end upon such determination except that lawyers assisting residents of the affected jurisdiction under paragraph (b) may continue to do so for such longer period as is reasonably necessary to complete the representation. The authority created by paragraph (c) will end 60 days, or as otherwise enacted in the Rule, after the highest court in an unaffected jurisdiction makes such a determination with regard to an affected jurisdiction. The parameters created by the Model Court Rule are intended to be flexible and the highest court in a jurisdiction has the discretion to extend the time period during which out-of-state lawyers may provide pro bono legal services in an affected jurisdiction or during which lawyers displaced by a disaster may practice law on a temporary basis in an unaffected jurisdiction.

Paragraphs (b) and (c) do not authorize lawyers to appear in the courts of the affected jurisdiction. Court appearances are subject to the *pro hac vice* admission rules of the particular court. The highest court may, in a determination made under paragraph (e)(2), include authorization for lawyers who provide legal services in the jurisdiction under paragraph (b) to appear in all or designated courts of the jurisdiction without need for such *pro hac vice* admission. If such an authorization is included, any *pro hac vice* admission fees shall be waived. A lawyer who has appeared in the courts of an affected jurisdiction pursuant to paragraph (e) may continue to appear in any such matter notwithstanding a declaration under paragraph (d) that the conditions created by the major disaster have ended. Furthermore, withdrawal from a court appearance is subject to Rule 1.16 of the Rules of Professional Conduct.

AMENDMENT TO COMMENTARY OF RULE 5.5 OF THE RULES OF PROFESSIONAL CONDUCT

Following the occurrence of a major disaster, lawyers practicing law outside the affected jurisdiction will begin to research what legal services they may provide on a temporary basis to the citizens of the affected jurisdiction. In addition, not-for-profit legal organizations within the affected jurisdiction will begin to research what legal services out-of-state lawyers may provide in their jurisdiction on a temporary basis. At some point, the lawyers and not-for-profit organizations will consult the *Rules of Professional Conduct*. While Rule 5.5 of the *Rules of Professional Conduct* is titled "Unauthorized Practice of Law: Multijurisdictional Practice of Law," Rule 5.5 does not directly address the provision of pro bono legal services by out-of-state lawyers

in a jurisdiction affected by a major disaster nor does it address the temporary practice of law in an unaffected jurisdiction by displaced lawyers principally practicing in the affected jurisdiction. The *Model Court Rule on Provision of Legal Services Following Determination of Major Disaster* does address these issues. Upon the suggestion of the Standing Committee on Ethics and Professional Responsibility, whose jurisdictional statement includes recommending to the ABA House of Delegates amendments to the *Rules of Professional Conduct*, the Committee recommends that Comment [14] to Rule 5.5 of the *Rules of Professional Conduct* be amended to include a cross-references to the *Model Court Rule on Provision of Legal Services Following Determination of Major Disaster*.

CONCLUSION

Following Hurricanes Katrina and Rita, thousands of lawyers from across the United States were inspired to offer their legal expertise on a pro bono basis to the citizens of the affected jurisdictions. Unfortunately, in some instances, the delivery of those pro bono legal services was hampered by the existence of unlicensed practice of law statutes and rules. The Committee believes that the adoption of the *Model Court Rule on Provision of Legal Services Following Determination of Major Disaster* will allow lawyers to provide temporary pro bono legal services and that it will allow lawyers whose legal practices have been disrupted by major disasters to continue to practice law on a temporary basis in an unaffected jurisdiction. The Model Court Rule will facilitate the delivery of pro bono legal services while at the same time insuring the proper regulation of the lawyers providing those legal services in an affected jurisdiction and those displaced lawyers practicing law on a temporary basis in an unaffected jurisdiction

Janet Green Marbley, Chair
Standing Committee on Client Protection
February 2007

Opposition

None known.

Prior Action by Representative Assembly

None known.

Fiscal and Staffing Impact on State Bar of Michigan

None known.

STATE BAR OF MICHIGAN POSITION
By vote of the Representative Assembly on April 12, 2008

Should the Representative Assembly recommend that the Michigan Supreme Court adopt the ABA Model Court Rule on the provision of legal services following the determination of a major disaster?

(a) Yes

or

(b) No

ADVISORY COMMITTEE ON RULES
March 12, 2008

Supreme Court Conference Room
Frank Rowe Kenison Supreme Court Building
Concord, New Hampshire

The meeting was called to order at 12:20 p.m.

The following Committee members were present:

Hon. Linda S. Dalianis
William F.J. Ardinger, Esquire
Mr. Robert L. Chase
Hon. R. Laurence Cullen
Mrs. Edda Cantor
Mrs. Alice Guay
Hon. Richard A. Hampe
Martin P. Honigberg, Esquire
Hon. Diane Nicolosi
Jennifer L. Parent, Esquire
Raymond Taylor, Esquire

Also present were David S. Peck, Secretary to the Advisory Committee on Rules, and Margaret Haskett, staff.

Judge Dalianis welcomed the Committee's newest lay member, Edda Cantor, to the meeting.

On motion of Judge Cullen, seconded by Judge Hampe, the Committee approved the minutes of the December 12, 2007 meeting, as submitted.

Relative to action taken by the Supreme Court since the Committee's last meeting, David Peck reported that the Supreme Court adopted the Committee's recommendation to amend Supreme Court Rules 37A and 42, which went into effect in January 2008.

The Committee next discussed items pending before it and the following action was taken:

Relative to the Report of the Committee on the Status of the Legal Profession, the Committee deferred action until its next meeting.

Judge Diane Nicolosi arrived and was welcomed as a new member.

Relative to the ABA Model court rule pertaining to provision of legal services following a determination of major disaster, following a brief discussion, and on motion of Judge Dalianis, seconded by Attorney Taylor, the Committee voted to send the proposed rule, as contained in Appendix A of these minutes, to its next public hearing.

Relative to Supreme Court Rule 55 pertaining to the public protection fund, Attorney Parent reported that she will have recommendations from the subcommittee at the next meeting.

Relative to Supreme Court Rule 38 pertaining to the Code of Judicial Conduct and to a specific suggestion to review the definition of the word "judge," Judge Dalianis reported that the subcommittee finished its review of the ABA Model Code of Judicial Conduct and its report was distributed today to Committee members. Following discussion, it was agreed that the subcommittee's report should be distributed to all judges and marital masters as well as to the Bar Association for their input and recommendations to the Committee by August 1, 2008.

Relative to the Rules of Civil Procedure and Rules of Probate Administration, Attorney Honigberg reported that Attorney Slawsky's subcommittee is finishing its review of the public comments received on the rules and will forward its recommendations to David Peck next week. The Committee agreed that Attorneys Honigberg and Parent should review the subcommittee's recommendations when available and report back to the Committee at its next meeting. With respect to the

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE: PETITION FOR THE ADOPTION OF RULES GOVERNING
THE MULTIJURISDICTIONAL PRACTICE OF LAW**

No. M2008-01404-SC-RL1-RL - Filed: December 10, 2008

ORDER

The Tennessee Bar Association has petitioned this Court for amendments to Sections 5.5 and 8.5 of Rule 8 of the Rules of the Supreme Court of Tennessee and to Rule 9, Section 32 and Rule 25, Section 20 of the Rules of the Supreme Court of Tennessee. The petition of the Tennessee Bar Association and the Exhibits thereto are attached to this Order.

In the interest of providing prompt and fair consideration of the important public policy issues raised by the petition, the Court hereby solicits written comments from judges, lawyers, bar associations, members of the public, and any other interested parties. The deadline for submitting written comments is March 9, 2009. Written comments should be addressed to:

Mike Catalano, Clerk
Tennessee Appellate Courts
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

The Clerk shall provide a copy of this order, including the attached Petition and Exhibits thereto, to LexisNexis and to Thomson-West. In addition, this order, including the attached Petition and Exhibits thereto, shall be posted on the Tennessee Supreme Court's website.

IT IS SO ORDERED.

FOR THE COURT:

JANICE M. HOLDER, CHIEF JUSTICE

IN THE SUPREME COURT OF TENNESSEE

IN RE:)
)
PETITION FOR THE ADOPTION OF)
RULES GOVERNING THE) No. _____
MULTIJURISDICTIONAL PRACTICE)
OF LAW.)

PETITION OF THE TENNESSEE BAR ASSOCIATION
FOR THE ADOPTION OF
RULES GOVERNING THE MULTIJURISDICTIONAL PRACTICE OF LAW

GEORGE T. LEWIS
President,
Tennessee Bar Association
Baker, Donelson, Bearman, Caldwell
& Berkowitz P.C.
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Tel: 901-526-2000

ALLAN F. RAMSAUR
Executive Director,
Tennessee Bar Association
221 4th Avenue North, Suite 400
Nashville, TN 37219
Tel: 615-383-7421

MARCY EASON
Immediate Past President,
Tennessee Bar Association
Miller & Martin PLLC
832 Georgia Ave., Suite 1000
Chattanooga, TN 37402
Tel: 423-756-6600

LUCIAN T. PERA
Chair, Tennessee Bar Association
Standing Committee on Ethics
and Professional Responsibility
Adams and Reese LLP
Brinkley Plaza
80 Monroe Avenue, Suite 700
Memphis, TN 38103
Tel: 901-524-5278

BILL HARBISON
General Counsel,
Tennessee Bar Association
Sherrard & Roe, PLC
424 Church Street, Suite 2000
Nashville, TN 37219
Tel: 615-742-4200

The Tennessee Bar Association (“TBA”) petitions the Court to adopt amended rules, set out in detail below in this petition, that would govern the conduct of lawyers licensed in other jurisdictions but practicing law in Tennessee, and that would authorize such practice, on a limited, specific, and controlled basis, while governing the conduct of any lawyers who do so, all with a view toward protecting clients, the public, and the courts and honoring the choice of counsel by clients, who increasingly face multistate and interstate legal issues. In support of the adoption of these amended rules, the TBA states as follows:

THE MULTIJURISDICTIONAL PRACTICE OF LAW

A decade ago, the California Supreme Court’s decision in *Birbrower, Montalbano, Condon P.C. v. Superior Court*, 949 P. 2d 1 (1998), sent shock waves throughout our nation’s legal profession and courts, clearly revealing an increasing mismatch between an existing, century-old approach to regulating lawyers who historically practiced in one state, if not one county, and the growing interstate nature of law practice for lawyers in many diverse areas of practice and in virtually all practice settings. The problem quickly found a name: The “multijurisdictional practice of law” or, more simply, “MJP.” MJP was the phrase that began to be used to describe the practice of lawyers across jurisdictional lines or, more precisely, the practice of law by lawyers in jurisdictions where they are not licensed or otherwise authorized to practice law.

In the wake of *Birbrower*, calls for MJP reform grew. Ultimately, the American Bar Association (“ABA”), through the 2002 adoption of reforms proposed by its Commission on Multijurisdictional Practice, established a consensus framework for reform.

The core of that framework is found in current ABA Model Rule of Professional Conduct 5.5, which authorizes the practice of law, within the confines of a “host jurisdiction” adopting the

rule, by a lawyer licensed only in another “home jurisdiction.” The rule contains express limits on such practice, and clearly establishes the “host” jurisdiction’s authority to discipline that lawyer. The ABA approach includes a number of other elements (some of the pertinent ones are described below) that support and build on this framework.

Particularly for a topic as complex and potentially contentious as the regulation of lawyers licensed elsewhere, the success of the ABA’s basic framework has been remarkable.¹ As of date this petition is submitted, 11 jurisdictions have adopted rules identical to ABA Model Rule 5.5,² while another 24 have adopted similar rules, some of which are substantively identical to the ABA Model Rule.³ Thus, a total of 35 jurisdictions have completed MJP reform, and the overwhelming majority of these jurisdictions have followed the ABA approach.⁴ Another 6 jurisdictions reportedly have reform proposals pending before their high courts based upon a recommendation for the adoption of a rule identical or similar to ABA Model Rule 5.5.⁵ Finally, another 5 jurisdictions reportedly have MJP study committees that have recommended adoption

¹ The information in this paragraph is drawn directly from the most definitive source for information on adoption patterns of the ABA’s proposed MJP reforms, the ABA Center for Professional Responsibility’s website, at <http://www.abanet.org/cpr/mjp/home.html>. Information posted there includes a number of detailed charts, updated regularly, about the details of the status of petitions in all the jurisdictions, as well as detailed analysis of the specific adoptions. See also Lucian T. Pera, *Grading ABA Leadership on Legal Ethics Leadership: State Adoption of the Revised ABA Model Rules of Professional Conduct*, 30 OKLA. CITY UNIV. L. REV. 637, 804-13 (2005; published Jan. 2007), available at <http://www.adamsandrees.com/pdf/ABAEthics2000StateAdoptionsArticle.pdf> (including analysis of adoptions of MJP reforms for 24 jurisdictions completed through July 2006).

² According to the ABA’s analysis, these states are Arkansas, Indiana, Iowa, Maryland, Massachusetts, Nebraska, New Hampshire, Oregon, Rhode Island, Utah, and Washington.

³ According to the ABA’s analysis, these jurisdictions are Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Louisiana, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, and Wyoming.

⁴ Indeed, a number of those states that have completed MJP reform, but substantively diverged from the ABA approach in some respects, have followed the lead of the ABA in addressing the problem primarily through adoption of revised (though divergent) versions of ABA Model Rule 5.5.

⁵ According to the ABA’s analysis, these states are Illinois, Kentucky, Maine, Michigan, Montana, and New York.

of a rule identical or similar to ABA Model Rule 5.5.⁶ Of the 8 jurisdictions that border Tennessee, 5 states have now followed the ABA approach; 1 state's high court has a recommendation pending before it to adopt the ABA approach; and the remaining 2 states each have study committees that have issued recommendations that their high courts adopt the ABA approach.

The TBA believes that the time has come for Tennessee to join this broad movement of jurisdictions permitting, but expressly and intelligently regulating, the multijurisdictional practice of law. The problems associated with MJP in Tennessee are at least equal to those in other jurisdictions, and they may well be greater, given the large number of states bordering Tennessee and the daily need for lawyers to cross those borders to legitimately serve their clients. Moreover, the uncertainty associated with the recognized phenomenon of MJP, coupled with the fact that Tennessee has no authority addressing the problem, is a growing burden on clients with legal needs in Tennessee and upon the lawyers chosen by those clients.

For this reason, the TBA proposes the adoption by this Court of several reforms directly tied to MJP and associated with these issues:

• **Adoption of ABA Model Rule 5.5.** This is the core reform adopted by the ABA, and it has met with very strong support in the states. The TBA proposes the adoption of the Model Rule, in its entirety and unchanged. (A copy of the current Tennessee Rule, redlined with proposed changes to move to the Model Rule, is attached as Exhibit A. A clean, non-redlined version of the Rule that would be in place if this Court were to adopt the TBA proposal is attached as Exhibit B.)⁷

• **Corporate Counsel Registration.** While ABA Model Rule 5.5(c) governs various forms of temporary practice by lawyers licensed in other jurisdictions, ABA Model Rule 5.5(d)(1) permits essentially permanent practice in Tennessee in very limited circumstances, one of which is service as in-house corporate counsel. It would

⁶ According to the ABA's analysis, these states are Alaska, Mississippi, Vermont, Virginia, and Wisconsin.

⁷ Concerning the relationship between this Petition and the TBA's contemporaneous petition concerning various reforms that would promote the rendering of *pro bono* legal services, see *infra* at 17-18.

permit a lawyer licensed in another state, and in good standing, to move to Tennessee and serve in an in-house position, without requiring admission to the Tennessee bar.⁸ The TBA also proposes that, as a supplement to this provision, a separate rule (most likely a new Supreme Court Rule) be adopted that requires that all lawyers practicing under this provision: (1) register annually with the Board of Professional Responsibility; (2) pay annual fees that are the same as those paid by ordinary Tennessee lawyers, to support the disciplinary system, the client protection fund, the lawyer assistance program, and the like; and (3) be subject to the CLE requirements of other Tennessee lawyers. A number of other states have adopted a substantially similar policy.⁹ On meeting these conditions, no further requirements would be imposed on these lawyers (*e.g.*, taking the bar exam).¹⁰

• **Amnesty.** Presently, there are an unknown number of lawyers not licensed in Tennessee, but practicing as in-house corporate counsel in Tennessee. As an incentive to these lawyers to comply with the new system, the TBA proposes that a new rule should include a transition provision that provides that, upon any lawyer complying with the new rule within some reasonable period after its adoption, their prior failure to be licensed in Tennessee would be “forgiven.” The TBA believes that such a provision is very important to the proper functioning of this system, so as to “surface” all covered lawyers and promptly bring them into the system.

• **Adoption of ABA Model Rule 8.5.** The TBA further proposes the adoption of ABA Model Rule of Professional Conduct 8.5. This proposed revision would clearly bring all lawyers not licensed in Tennessee, but practicing under the provisions of new Rule 5.5, under the disciplinary jurisdiction of the Board of Professional

⁸ There are a number of restrictions on this provision, including the prohibition on such lawyers representing anyone other than their organizational employer, and a prohibition on appearing in litigation.

⁹ While the same information can be gleaned from information posted on the ABA’s website, an equally authoritative site on MJP issues affecting in-house counsel is maintained by the Association of Corporate Counsel (former the American Corporate Counsel Association) at <http://www.acc.com/php/cms/index.php?id=229>. Based on the ACC’s analysis, updated through late fall 2007, 28 jurisdictions “have adopted in-house counsel authorization or registration rules either as stand alones or in conjunction with the adoption of a version of the ABA’s Model Rule 5.5.” ACC List of States Authorizing Non-Locally Licensed In-House Counsel, *available at* <http://www.acc.com/public/reference/mjp/inhouserules.pdf>. (The ABA’s analysis counts 28 such jurisdictions.) ACC also notes that 12 other jurisdictions have adopted ABA Model Rule 5.5(d)(1) concerning in-house counsel without any such registration requirement, and that 10 jurisdictions – including Tennessee – have “[n]o rule authorizing or permitting in-house practice,” meaning that “[t]hese states do not make exceptions or allowances for non-locally licensed in-house counsel.” *Id.* One jurisdiction (Texas) authorizes in-house practice by virtue of an ethics opinion, according to ACC. Further, on February 4, 2008, subsequent to the ACC and ABA analyses’ last updates, the Supreme Judicial Court of Massachusetts adopted a rule, effective June 1, 2008, requiring annual registration with the Board of Bar Overseers by lawyers who are resident and employed as in-house counsel in Massachusetts but admitted to practice law in the state. Order Amending Chapter Four of the Rules of Supreme Judicial Court (Mass. Feb. 4, 2008), *available at* <http://www.mass.gov/obcbbo/rule402amend.pdf>.

¹⁰ The ABA has under consideration a model registration rule of this type, but it is still under development. A copy of this draft rule is attached as Exhibit G, and suggestions concerning how this draft might be used as the basis for a Tennessee rule are offered below.

Responsibility. Significantly, the ABA's revision to ABA Model Rule 8.5 also updates the choice-of-law provision of the rules. (A copy of the current Tennessee Rule, redlined with proposed changes needed to move to the Model Rule, is attached as Exhibit C. A clean, non-redlined version of the Rule that would be in place if this Court were to adopt the TBA proposal is attached as Exhibit D.)

• **Conforming Amendments to Other Supreme Court Rules.** The adoption of these proposed amendments to Rules 5.5 and 8.5 would require a number of relatively minor, mostly procedural amendments to Tennessee Supreme Court Rule 9, the Rules of Disciplinary Enforcement, Supreme Court Rule 21, the Rules for Mandatory Continuing Legal Education, and Supreme Court Rule 25, the rules governing the Tennessee Lawyers' Fund for Client Protection. The proposed amendments attempt to fit the concepts of authorized practice under Rule 5.5(c) and (d) into existing disciplinary procedures. With respect to CLE and client protection fund regulation, the proposed amendment would subject registered corporate counsel to these rules, but excuse nonresident lawyers operating under Rule 5.5 (including registered, but nonresident, corporate counsel authorized under 5.5(d)(1)) from compliance. The TBA submits, as Exhibit E to this Petition, a draft of such amendments for the Court's consideration.

• **"Katrina" Rule.** In the wake of difficulties with displaced lawyers and the rendering of needed pro bono services in the wake of hurricanes Katrina and Rita, an ABA committee led by Memphis lawyer and TBA ethics committee member Albert C. Harvey, the ABA Task Force on Hurricane Katrina, developed a rule recently approved by the ABA House of Delegates that regularizes (1) how a jurisdiction would permit, in the event of a major disaster, lawyers licensed elsewhere to render pro bono services in the state without fear of UPL prosecution, and (2) how a jurisdiction would permit a lawyer displaced from the area of a major disaster to temporarily practice in Tennessee to maintain his practice in the affected jurisdiction. The TBA proposes that this Court adopt this rule as a part of the proposed MJP reform package, given the clear need for such a rule, the well-drafted nature of the new ABA model, and the fact that it is closely related to MJP reform. (A copy of the proposed rule is attached as Exhibit F.)

As the Court may be aware, the TBA, through its Standing Committee on Ethics and Professional Responsibility, is at work on proposed revisions of Tennessee's lawyer ethics rules that would bring Tennessee's rules largely into accord with the current ABA Model Rules of Professional Conduct. This project has been underway for several years, and is now approaching completion. Due to the importance of MJP reform to the daily lives and practices of clients and lawyers, and due to the fact that these proposals on MJP could easily be adopted separately from

counsel could certainly benefit from the availability of those services, the TBA believes it is appropriate to ask them to pay the lawyer assistance fee paid by all Tennessee lawyers.

The TBA submits, as Exhibit E to this Petition, a draft of such amendments to this Court's Rule 9, the Rules of Disciplinary Enforcement, and Supreme Court Rule 25, the rules governing the Tennessee Lawyers' Fund for Client Protection, for the Court's consideration.

"Katrina" Rule

In the months that followed Hurricane Katrina's assault upon the Gulf Coast in the fall of 2005, the difficulties encountered both by lawyers displaced from their homes and offices and by citizens in desperate need of pro bono services that many lawyers – especially including lawyer from other states – were eager to offer, became apparent to bar regulators everywhere.

In an effort to address both these problems, an ABA committee led by Memphis lawyer and TBA ethics committee member Albert C. Harvey, the ABA Task Force on Hurricane Katrina, drafted and gained approval of the ABA House of Delegates for the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster. The TBA now strongly urges the Court to consider adopting this rule as a Rule of the Tennessee Supreme Court.

Adoption of the ABA's model rule would accomplish two separate, important purposes: First, the rule would expressly authorize, in the event of a major disaster, lawyers licensed outside Tennessee to render pro bono services in Tennessee on a temporary basis; and second, the rule would expressly authorize a lawyer displaced from the area of a major disaster, and not licensed in Tennessee, to temporarily practice in Tennessee in order to maintain his or her practice and serve his or her clients in the affected jurisdiction.

The ABA's model rule would require that the Court itself make the determination needed to trigger the authority granted by the rule, also enabling the Court, in any such determination to appropriately limit the authority granted and tailor it to the unanticipatable dimensions of the disaster. The proposed rule includes a number of carefully-crafted safeguards, including registration of lawyers practicing under the rule and notification to affected clients.

In the short time since its promulgation, the ABA model rule has been well-received. Following on the ABA's February 2007 adoption of the ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster, on August 1, 2007, the Conference of Chief Justices adopted a resolution urging the high courts of all the jurisdictions to consider adopting such a rule and "commend[ed] the ABA Model Court Rule on this subject as the foundation upon which to create such a rule."²⁴ Further, according to the ABA's analysis, 4 jurisdictions (Delaware, Iowa, Missouri, and Washington) have adopted such a rule and another 15 are in the midst of consideration of adoption.²⁵

The TBA believes that the adoption of this model rule addressing several MJP issues as they may arise in the event of a disaster would serve the legal profession, the courts, and the public well in preparing for the possibility of a major disaster and its effect upon lawyers, clients, and court, both in Tennessee and elsewhere.

An Important Note about the TBA's Contemporaneous Pro Bono Petition

Contemporaneous with the filing of this petition, the TBA has also filed with this Court a petition concerning various issues related to the rendering of *pro bono publico* services.

Included in that set of proposals is a proposed amendment to Tennessee Rule of Professional

²⁴ Conference of Chief Justices, Resolution No. 3 (adopted Aug. 1, 2007).

²⁵ See State Implementation of ABA Model Court Rule on Provision of Legal Services Following Determination of Major Disaster (updated as of June 19, 2008), available at <http://www.abanet.org/cpr/jclr/home.html>.

Virginia State Bar

An agency of the Supreme Court of Virginia

[Home](#) > [Professional Regulation](#) > Provision Of Legal Services Following Determination Of Major Disaster

Provision Of Legal Services Following Determination Of Major Disaster

THE VIRGINIA SUPRME COURT TO REVIEW PROPOSED SUPREME COURT RULE REGARDING THE PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

Additional Info

[view proposed rule](#) (PDF file)

[view SC Petition – July 11, 2008](#) (PDF file)

The Supreme Court of Virginia is expected to consider for approval, disapproval, or modification, a new Supreme Court Rule regarding the *Provision of Legal Services Following Determination of Major Disaster* that was proposed by the Virginia State Bar's Task Force on Emergency Legal Services ("ELS Task Force") and unanimously adopted by the Council of the Virginia State Bar on June 19, 2008. This *proposed rule* was developed as a result of the American Bar Association's ("ABA") actions to help address the problem of the provision of legal services following a disaster or emergency, such as existed following Katrina and Rita. Beyond the physical damage and devastation caused by those hurricanes, there was also a crippling effect on the legal systems in the affected states. In response, the ABA formed a task force that advocated for the suspension of unauthorized practice of law rules in the various states impacted by these hurricanes because, while lawyers from other jurisdictions would have liked to help staff disaster assistance centers or otherwise advise hurricane victims, they were deterred from doing so because of a lack of clarity about whether they would be violating any unauthorized practice of law rules. The ABA task force recognized the need for a model rule that would allow out-of-state lawyers to provide pro bono legal services in an affected jurisdiction and that would allow lawyers in the affected jurisdiction whose legal practices had been disrupted by a major disaster to practice law on a temporary basis in an unaffected jurisdiction. Since both the highest court of a jurisdiction affected by the major disaster and the highest courts of jurisdictions not affected by the disaster could implement the rule on an emergency basis, the ABA determined that this rule should be a Model Court Rule.

The ABA then asked that each state consider the adoption of this or an equivalent rule. In response, the Virginia State Bar formed the ELS Task Force to study the ABA's Model Court Rule. After deliberations the ELS Task Force agreed that a similar court rule should be adopted in Virginia with minor amendments.

The proposed rule provides that the Virginia Supreme Court shall determine when, as a result of a disaster, an emergency affecting the justice system has occurred in Virginia that would trigger the provisions of this rule. Additionally, if that emergency extends to another jurisdiction the determination of the existence of a major disaster will be made in conjunction with the highest court of that jurisdiction. Under this rule, the Court may allow:

1. Out-of-state lawyers to provide pro bono legal services to the citizens of Virginia within certain constraints described in the model rule, and;
2. Displaced lawyers from an affected state can provide legal services in Virginia on a temporary basis if these services are reasonably related to the lawyer's practice in the affected jurisdiction.

Inspection and Comment

The proposed rule may be inspected at the office of the Virginia State Bar, 707 East Main Street, Suite 1500, Richmond, Virginia 23219-2800, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday. Copies of the proposed rule can be obtained from the offices of the Virginia State Bar by contacting the Office of Ethics Counsel at 804-775-0557, or can be found at the Virginia State Bar's Web Page at <http://www.vsb.org>.

Any individual, business or other entity may file or submit written comments in support of, or in opposition to, the proposed rule by filing nine copies with the Clerk of the Court and three copies with Karen A. Gould, the Executive Director of the Virginia State Bar, not later than **August 21, 2008**.

Updated: July 23, 2008

© 1996 - 2009 Virginia State Bar | [Privacy Policy](#) | [Site Map](#)
707 East Main Street, Suite 1500 | Richmond, Virginia 23219-2800
804-775-0500 | TDD/Voice Line (Hearing-Impaired): 804-775-0502
Office Hours: Mon.-Fri. 8:15 a.m. to 4:45 p.m. (excluding holidays)
The Clerk's Office does not accept filings after 4:45 p.m.

AGENDA ITEM

MAY 113

American Bar Association's
Model Court Rule on Provision of
Legal Services Following
Determination of Major Disaster –
Report and Recommendation

DATE: April 21, 2008

TO: Members of the Board of Governors
Members of the Board Committee on Operations

FROM: State Bar Staff

RE: ABA's Model Court Rule on Provision of Legal Services Following
Determination of major Disaster – report and recommendation to
take no action at this time.

EXECUTIVE SUMMARY

The ABA's model court rule re provision of legal services following determination of major disaster was referred by the Chief Justice and the Judicial Council to the State Bar for consideration. Staff has studied the model court rule and recommends that no action be taken at this time. If the Board concurs, the recommendation will be transmitted to the Supreme Court.

The ABA's House of Delegates adopted the model court rule to address the devastation and disruption that major disasters like Hurricane Katrina can have on the legal systems of affected states. The model court rule anticipates and makes comprehensive provision for the response of the highest courts of two kinds of jurisdictions to a major disaster. The first type of jurisdiction is one in which the major disaster occurs. The second type of jurisdiction is one that is not affected by the major disaster. The highest court of a jurisdiction affected by the disaster would be able to respond by authorizing attorneys from other jurisdictions to practice law temporarily in the affected jurisdiction under specified circumstances. The highest court of an unaffected jurisdiction would be able to authorize displaced attorneys from the affect jurisdiction to practice law temporarily in the unaffected state.

Although the spirit behind the model court rule is commendable, its provisions may unnecessarily lock in the California Supreme Court's response to a major disaster. A case-by-case approach would offer more flexibility to the Court. With the case-by-case approach, no action is needed on the model court rule. If the Board approves, the recommendation will be transmitted to the Supreme Court.

Questions may be directed to Marie Moffat at marie.Moffat@calbar.ca.gov or (415) 538-2338; Gayle Murphy at gayle.Murphy@calbar.ca.gov or (415) 538-2322; or Mary Yen at mary.yen@calbar.ca.gov or (415) 538-2369.

BACKGROUND

After the devastation caused by Hurricanes Katrina and Rita in 2005, the American Bar Association formed a task force on Hurricane Katrina. That task force reported that there is a need for a model rule that would allow out-of-state lawyers to provide pro bono legal services in a jurisdiction affected by a major disaster and allow lawyers in the affected jurisdiction whose legal practices were disrupted to practice law temporarily in an unaffected jurisdiction. The task force envisioned a model rule that could be implemented by the highest courts of both kinds of jurisdictions – one affected by the major disaster and another not affected by the disaster – on an emergency basis. The ABA's Standing Committee on Client Protection agreed to draft a model rule for this purpose.

The ABA's client protection committee drafted a model rule of professional conduct and a model court rule. The consensus of ABA entities that commented on the drafts was that the issues to be addressed were administrative matters involving the facilitation of providing temporary legal services. This was not viewed as being an ethics issue, so the model court rule was supported over a model rule of professional conduct. On February 12, 2007, the ABA's House of Delegates adopted that ABA model court rule on provision of legal services following determination of a major disaster.

In March 2007, the ABA's client protection committee sent the model court rule to California's Chief Justice Ronald M. George for consideration. Chief Justice George and the Judicial Council referred the model court rule to the State Bar for consideration because of the State Bar's role in admissions of attorneys to practice and managing the multijurisdictional practice (MJP) program that allows qualified non-California attorneys to practice law in this state on a limited basis. The staff working group who studied the ABA's model court rule consists of representatives from the offices of Admissions, Special Admissions, Professional Competence, General Counsel, and Legal Services, Access and Fairness Programs.

DISCUSSION

1. Analysis of the Model Court Rule on Provision of Legal Services Following Determination of a Major Disaster

The model court rule anticipates and makes comprehensive provision for the response of the highest courts of two kinds of jurisdictions to a major disaster. The first type of jurisdiction is one in which the major disaster occurs. The second type of jurisdiction is not affected by the major disaster. The highest court of a jurisdiction affected by the disaster would be able to respond by authorizing attorneys from other jurisdictions to practice law temporarily in the affected jurisdiction under specified circumstances. The highest court of an unaffected jurisdiction would be able to authorize displaced attorneys from the affected jurisdiction to practice law temporarily in the unaffected state.

A state supreme court's adoption of the model court rule is a preliminary step. Actual authorization to practice of law temporarily under the model court rule is triggered by a determination that the highest court of an affected jurisdiction must make when a major disaster occurs in the jurisdiction. When the highest court of the affected jurisdiction makes a determination that an emergency affects the justice system in all or part of the court's state as a result of the major disaster, a lawyer who is authorized to practice law in another U.S. jurisdiction, and who is not restricted from practicing law in any jurisdiction, may temporarily provide legal services in the affected state on a pro bono basis through specified types of legal services program. In an unaffected jurisdiction, the highest court may make such a determination, but only after the highest court of the affected state makes the determination for the affected state, in which case a lawyer who is licensed and principally practices law in the affected state, and who is not restricted from practicing in any jurisdiction, may temporarily practice law in the unaffected state with specified limitations. In addition, the model court rule provides for duration of authority for the temporary practice, waiver of pro hac vice fees, discipline of attorneys, registration with the clerk of the highest state court, and notification to clients.

A commendable effort is made in the rule to anticipate in advance the need for legal services that could arise from future disasters. However, by prescribing in advance the response that will be made to a major disaster, the resulting model court rule appears to be quite restrictive. Listed below are examples of provisions in the model court rule that raise questions about its application in California:

- a. Determination that a major disaster exists in the jurisdiction. The model court rule provides that the highest court of an affected state must make a determination when an emergency affects the justice system as a result of a natural or other major disaster in all or part of the state. After the affected state's highest court makes the determination, the highest court

of an unaffected state would also need to make the determination in order for the rule to be implemented in the unaffected state. State supreme courts do not normally make this type of determination, and they need not do so in order to be responsive to a major disaster. For example, after Hurricane Katrina, the California Supreme Court issued a responsive order without making this type of determination.

b. Designated legal services programs and pro bono services. The rule describes the legal services programs through which out-of-state attorneys would provide pro bono services. The described programs may not be consistent with California's designation of comparable programs in this state. Furthermore, pro bono legal services by attorneys from other jurisdictions might not be needed in California after a major disaster occurs in this state.

c. Temporary practice of law and provision of legal services. Provision (b) of the model court rule applies to the affected jurisdiction. Under provision (b), after the highest court in the affected state makes the determination, under certain conditions a lawyer authorized to practice law in an unaffected jurisdiction "may provide [pro bono] legal services in this jurisdiction on a temporary basis". Provision (c) applies to unaffected jurisdictions. Under provision (c), after the unaffected state's highest court makes the appropriate determination, under certain conditions a lawyer authorized to practice law in an affected jurisdiction "may provide legal services in this jurisdiction on a temporary basis." This wording of the quoted language is vague because it leaves room for interpretation and questions as to which law may be practiced by the authorized attorney - is it the law of the attorney's jurisdiction, or California law, or both?

d. Duration of the authority to temporarily practice. A state supreme court's determination under provisions (b) or (c) does not include the duration of the temporary authorization. Under provision (d) the state supreme court must make a second determination that the conditions caused by the major disaster in the affected state have ended. With that second determination, provision (b)'s authorization to practice law in the affected state ends for attorneys from unaffected jurisdictions, unless they have not completed the pro bono representation of existing clients. The authorization under provision (c) for attorneys to temporarily practice law in the unaffected jurisdiction ends 60 days after the court's declaration. These provisions stand in contrast to the response of most state supreme courts after Hurricane Katrina. Most responsive state supreme courts issued orders specifying a fixed period of time, subject to extension, during which attorneys from Louisiana, Mississippi or Alabama were authorized to practice law. In response to Hurricane Katrina, the California Supreme Court's order fixed end-date for the temporary practice of law by

attorneys from Louisiana and other affected states. This approach worked reasonably well in California.

e. Court appearances *pro hac vice*. The model court rule contains a provision (e) that waives fees where there is *pro hac vice* authorization to appear in court. The *pro hac vice* provision goes beyond what most responding courts ordered after Hurricane Katrina. It is questionable whether this provision would be necessary after a major disaster in California.

f. Registration with the clerk of this Court. Provision (f) states that lawyers who temporarily provide legal services in the authorizing jurisdiction under the rule must register with the clerk of the supreme court. This departs from the process chosen in California after Hurricane Katrina, when the California Supreme Court ordered affected lawyers to file a registration form with the State Bar instead of the clerk of the Court.

g. Comments to the model court rule. Comments 3 and 4 reference the ABA's model rule of professional conduct 5.5 on multijurisdictional practice of law (MJP). Comment 4's reference is for interpretation of the meaning of a specific phrase in the model court rule. However, the California Supreme Court has adopted four MJP rules of court that differ substantively from the ABA's model rule of professional conduct 5.5 for MJP. Further analysis would be required to determine the extent to which the Comments are appropriate for California.¹

The model court rule may not be suitable for California with its geographic size and large number of licensed attorneys. It is unlikely that California would have a disaster as big as the model rule anticipates. It is also questionable whether the California Supreme Court would find it necessary to open up the practice of law in California as much as the model court rule would authorize. Finally, there is nothing in the model court rule that the California Supreme Court cannot already do in appropriate circumstances.

2. The Southern California Area Wildfires of October 2007.

Beginning on about October 20, 2007, major wildfires broke out in Southern California (most were in San Diego County, others occurred in San Bernardino County and Los Angeles County). Taken all together, these wildfires could be

¹ A supreme court's adoption of one or more MJP rules allows attorneys who are not authorized to practice law in a certain jurisdiction, but who are authorized to practice in another jurisdiction, to practice law in the court's jurisdiction on a temporary basis in limited circumstances. As of June 2007, 34 states had adopted some type of MJP rules. Eight states adopted the Model Rule 5.5. Twenty-six states adopted an MJP rule that differs from the model MJP rule. The California Supreme Court authorizes MJP through four rules of court, not through a rule of professional conduct.

viewed as constituting a major disaster for the affected counties. Within a week after the wildfires broke out, the State Bar received inquiries from outside of California asking whether pro bono assistance was needed along the lines of the ABA's model court rule. It was the assessment of Bar staff that any legal assistance called for by the fires could be provided internally within California. The California Supreme Court and local courts responded to the disaster on a per-situation basis without issuing a broader order along the lines of either the Hurricane Katrina order or the model court rule.

RECOMMENDATION

It is recommended that no action on the model court rule is needed at this time. The existing case-by-case approach offers more flexibility by allowing the Court to tailor its response to the particular disaster. For example, the Court's tailored order in response to Hurricane Katrina in 2004 worked well. More recently, the state court system's response to the Southern California fires of October 2007 worked well for that particular disaster.

FISCAL AND PERSONNEL IMPACT:

There is no fiscal impact to the State Bar.

BOARD BOOK/ADMINISTRATIVE MANUAL UPDATE:

There is no known impact on the Board Book.

STATE BAR RULES IMPACT

None known.

PROPOSED BOARD COMMITTEE RECOMMENDATION:

Should the Board Committee on Operations concur with the proposed recommendation, the following resolution would be in order:

RESOLVED, that the Board Committee on Operations recommends that the Board of Governors recommend that no action need be taken on the American Bar Association's Model Court Rule on Provision of Legal Services following Determination of a Major Disaster, and with direction that the recommendation be transmitted to the Supreme Court for whatever action it deems appropriate.

Should the Board of Governors concur with the recommendation of the Committee on Operations, the following resolution would be in order:

RESOLVED that, upon recommendation of the Board Committee on Operations, the Board of Governors hereby recommends that no action need be taken on the American Bar Association's Model Court Rule on Provision of Legal Services following Determination of a Major Disaster, and directs staff to transmit the recommendation to the Supreme Court for whatever action it deems appropriate.

Attachments:

- (1) ABA's Model Court Rule on Provision of Legal Services Following Determination of Major Disaster
- (2) California Supreme Court Order in the Matter of the Practice of Law by Attorneys Displaced by Hurricanes Katrina and Rita



North Dakota Supreme Court Committees ◀▲□/?

Joint Committee on Attorney Standards

Joint Committee on Attorney Standards

Minutes

Doublewood Inn, Fargo

November 30, 2007

HOME
OPINIONS
SEARCH
INDEX
GUIDES
LAWYERS
RULES
RESEARCH
COURTS
CALENDAR
NOTICES
NEWS
FORMS
SUBSCRIBE
CUSTOMIZE
COMMENTS

Members Present

Sandi Tabor, Chair
Jean Hannig
Mark Hanson
Carol Johnson
Dianna Kindseth
Judge Michael Sturdevant
Pat Ward
Dan Ulmer
Clare Carlson
Petra Hedvig Mandigo
Justice Mary Muehlen Maring
Ryn Pitts
Tim Priebe
Robert Udland

Others Present

Ronald McClean, Fargo attorney
Jim Fitzsimmons, Legal Services of ND
Leslie Bakken Oliver, Chair, Lawyer Assistance Program
Committee
Maureen Holman, Vice-Chair, Lawyer Assistance Program
Committee

Staff

Jim Ganje

Chair Tabor called the meeting to order at 10:00 a.m. and drew Committee members' attention to Attachment B (November 21, 2007) - minutes of the June 12, 2007, meeting.

It was moved by Pat Ward, seconded by Mark Hanson, and carried that the minutes be approved.

Codes of Pretrial and Trial Conduct

Chair Tabor welcomed Ron McLean for comments concerning the Codes of Pretrial and Trial Conduct adopted by the American College of Trial Lawyers, which the Supreme Court had referred to the Committee for review. See Attachment (October 12, 2007).

Ron McLean, who serves as the North Dakota State Chair of the American College of Trial Lawyers, explained that the College is increasingly concerned about professionalism and civil behavior within the legal profession. He said the increasing vulgarization of culture and tendencies towards lower behavior are being transferred to law practice. He noted that 1st year law students at the UND School of Law are required to attend a 2 hour program on professionalism, character, and reputation and during the 3rd year of law school a similar program is also required. He said there should be something beyond the "floor" of ethical requirements established by the Rules of Professional Conduct. He said the Codes of Pretrial and Trial Conduct are intended to supplement professional rules of conduct and provide a basis for additional guidance with respect to professional and ethical conduct. However, he noted that the Codes developed by the American College of Trial Lawyers are extensive and cover a wide range of conduct, some of which may be addressed formally by the Rules of Professional Conduct. As an alternative, he distributed copies of the "Professional Aspirations" approved by the Minnesota Supreme Court. The Professional Aspirations, he explained, resulted from the work of Bismarck attorney Dave Maring, who reviewed the two Codes and distilled the most compelling and useful features of the Codes into a shorter, clearer document that addresses all of the significant issues. He urged the Committee to consider the Professional Aspirations as a useful alternative to the longer Codes

In response to a question from Dan Ulmer, Ron McLean said the Professional Aspirations would not, as indicated in the 3rd paragraph of the Preamble, be used as a basis for lawyer discipline or sanctions. Dan Ulmer wondered what, then, would be the objective in adopting the Aspirations.

Ron McLean said the Professional Aspirations, as the name implies, are intended to be aspirational and motivate lawyers to maintain higher standards of professional conduct. He said the Aspirations would not supplant any of the Rules of Professional Conduct or other rules related to lawyer conduct or discipline. He emphasized that the Rules of Professional Conduct only establish the minimum expectation concerning lawyer conduct, while the Professional Aspirations would urge lawyers towards higher, more exemplary conduct.

With respect to the Codes of Pretrial and Trial Conduct, Sandi Tabor noted there are several provisions in the Codes that seem to work at cross-purposes to particular rules of professional conduct. That, she said, would prove problematic if the Codes were to be seriously considered. Pat Ward agreed there seem to be areas where the Codes and the professional rules overlap.

In response to a question from Carol Johnson, Ron McLean said the

Professional Aspirations are published in the Minnesota rule book.

In response to a question from Chair Tabor about further action with respect to the Codes, Committee members generally agreed to review the Professional Aspirations instead of the Codes.

Pat Ward suggested something like the Aspirations should be taught in the first instance in a trial practice class in law school. Ron McLean said that he and Jane Voglewede have conducted such classes for the past few years at the law school.

After further discussion, Pat Ward and Carol Johnson agreed to review the Minnesota Professional Aspirations and similar provisions, if adopted, in other states and provide a report at the next meeting.

"Katrina Rule" - Legal Services following a Disaster

Chair Tabor next drew Committee members' attention to Attachment E (November 21, 2007) - the ABA Model Court Rule concerning the provision of legal services following a major disaster. She explained that the model rule had not been previously officially referred to the Committee, but the Committee had discussed the rule earlier as part of the ABA comment process and then following the ABA's adoption of the rule as a model rule of court. The Committee's earlier conclusion, she said, was that such a rule was likely not necessary at this time. She said the Supreme Court has now officially referred the ABA model court rule to the Committee for consideration and the question is whether the Committee is still in agreement with its earlier conclusion.

Pat Ward recalled as well the Committee's previous discussions and said there appears to be no reason to depart from the earlier conclusion.

Jean Hannig said the 1997 Grand Forks flood and the response of the legal community indicated that the legal needs of those affected by the flood and the needs of displaced lawyers could be addressed within the context of current rules. She said the model court rule is quite complex and appears more directed at jurisdictions that are significantly overwhelmed by an extraordinary natural disaster, such as Hurricane Katrina. She said the largely successful response to the Grand Forks flood suggests that the substantial rule structure represented by the model rule is not necessary at this time.

Following further discussion, it was moved by Jean Hannig, seconded by Judge Sturdevant, and carried that the Committee take no further action concerning the model court rule and recommend to the Supreme Court, for the reasons stated, that the rule not be considered further at this time.