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STATE OF MINNESOTA

IN SUPREME COURT

ADM-09-8007

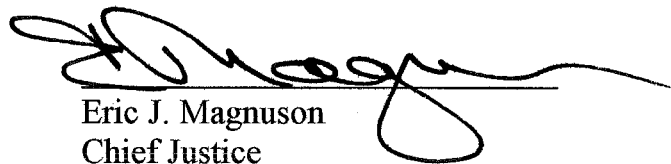
**ORDER PROMULGATING RULE ON THE PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF A MAJOR DISASTER**

The Minnesota State Bar Association filed a petition on July 13, 2009, recommending the adoption of the American Bar Association model rule on the provision of legal services following the determination of a major disaster. By order dated October 22, 2009, this court set a public comment period, and established a November 23, 2009 deadline for submitting written comments on the proposed rule. The court reviewed the proposed rule and submitted comments, and is fully advised in the premises.

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Rule on the Provision of Legal Services Following the Determination of a Major Disaster be, and the same is, prescribed and promulgated to be effective on January 1, 2010.

DATED: December 10, 2009

BY THE COURT:

  
Eric J. Magnuson  
Chief Justice

**Minnesota Supreme Court Rule on the Provision of Legal Services  
Following the Determination of a Major Disaster**

**Subd. 1. Determination of Existence of Major Disaster.** Solely for purposes of this rule, the Supreme 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 subdivision 3 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.

**Subd. 2. Temporary Practice in this Jurisdiction Following Major Disaster.**

Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to subdivision 1 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 organizations specifically designated by the Supreme Court.

**Subd. 3. 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.

**Subd. 4. Duration of Authority for Temporary Practice.** The authority to practice law in this jurisdiction granted by subdivision 1 of this rule shall end when the Supreme 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 subdivision 2 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 subdivision 3 of this rule shall end 60 days after the Supreme Court declares that the conditions caused by the major disaster in the affected jurisdiction have ended.

**Subd. 5. 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 the Supreme Court, in any determination made under subdivision 1, grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to subdivision 2. If such an authorization is included, any pro hac vice admission fees shall be waived.

**Subd. 6. Disciplinary Authority and Registration Requirement.** Lawyers providing legal services in this jurisdiction pursuant to subdivisions 1 or 2 are subject to the Supreme 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 subdivisions 1 or 2 shall, within 30 days from the commencement of the provision of legal services, file a registration statement with the Lawyer Registration Office. The registration statement shall be in a form prescribed by the Supreme 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.

**Subd. 7. 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.