



SUPREME COURT OF GEORGIA

Atlanta January 7, 2015

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is hereby ordered that the Rules of the Supreme Court of the State of Georgia be amended by adding new Part XXI, Rule 121, to adopt the American Bar Association's Model Court Rule on the Provision of Legal Services Following Determination of a Major Disaster. The new rule authorizes out-of-state lawyers to temporarily practice law pro bono in Georgia following the determination by this Court that an emergency affecting the justice system, as a result of a natural or other major disaster, has occurred and further allows out-of-state lawyers to provide legal services in Georgia related to the lawyer's practice in a jurisdiction affected by a major disaster.

It is further ordered that the State Bar of Georgia is directed to consider incorporating or cross-referencing in Bar Rule 1-203 (Practice by Active Members; Nonresidents) and Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law) of the Georgia Rules of Professional Conduct found in Bar Rule 4-102 (d), this new Rule of the Supreme Court and similar rules authorizing persons who are not active members of the State Bar of Georgia to practice law in Georgia on a limited basis, namely, the Supreme Court Rules found in Parts XV (Third-Year Law Students), XVI (Law School Graduates), and XX (Extended Public Service Program).

The amendment shall take effect on February 5, 2015.

New Part XXI, Rule 121 shall read as follows:

XXI. PROVISION OF LEGAL SERVICES FOLLOWING DETERMINATION OF MAJOR DISASTER

Rule 121.

(1) **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:

(a) this jurisdiction and whether the emergency caused by the major disaster affects

the entirety or only a part of this jurisdiction, or

(b) 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 (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.

(2) Temporary Practice in this Jurisdiction Following Major Disaster. Following the determination of an emergency affecting the justice system in this jurisdiction pursuant to paragraph (1) (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, 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.

(3) Temporary Practice in this Jurisdiction Following Major Disaster in Another Jurisdiction. Following the determination of a major disaster in another United States jurisdiction pursuant to paragraph (1) (b) of this Rule, a lawyer who is authorized to practice law and who principally practices in that affected jurisdiction, and who is not disbarred, suspended, 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.

(4) Duration of Authority for Temporary Practice. The authority to practice law in this jurisdiction granted by paragraph (2) 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 (2) is authorized to continue the provision of legal services for such time as is reasonably necessary to complete the representation. The lawyer shall not thereafter accept new clients. The authority to practice law in this jurisdiction granted by paragraph (3) 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.

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

(a) pursuant to that court's pro hac vice admission rule; or

(b) if this Court, in any determination made under paragraph (1), grants blanket permission to appear in all or designated courts of this jurisdiction to lawyers providing legal services pursuant to paragraph (2). If such an authorization is included, any pro hac vice admission fees shall be waived.

(6) **Disciplinary Authority and Registration Requirement.** Lawyers providing legal services in this jurisdiction pursuant to paragraph (2) or (3) are subject to this Court's disciplinary authority and the Georgia Rules of Professional Conduct. Lawyers providing legal services in this jurisdiction under paragraph (2) or (3) must file a registration statement with the State Bar of Georgia. The registration statement shall be in a form prescribed by the State Bar. Any lawyer seeking to provide legal services pursuant to this Rule must be approved by the State Bar before being authorized to provide such legal services. 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.

(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, of 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.

(8) **Judicial Emergency.** Judicial emergencies are also addressed in OCGA §§ 38-3-60 to 38-3-64.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

Theresa A. Barnes Clerk