

Retired Lawyers—An Untapped Pro Bono Resource



By Peter Arakas

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The crises of unrepresented parties and underfunding of legal services for the poor are no longer news, but there is news about a rule change that might help ameliorate both of these problems. Effective January 1, 2014, lawyers who have registered as retired with the superior court under Rule 2-55 will be able to engage in pro bono work.

Retired lawyers have long been recognized as a possible source of legal services for the needy. The CBA established an Emeritus Project several years ago to encourage senior lawyers to provide pro bono services through the Pro Bono Network. More recently, retired attorneys were recognized at the Chief Justice's Pro Bono Summit as an untapped pro bono resource. However, Rule 2-55 stood in the way of allowing lawyers who registered as retired with the superior court to provide free legal assistance to the poor.¹

Under Rule 2-55, a lawyer may notify the superior court that he or she has retired. Upon doing so, the lawyer may no longer practice law, and is exempt from payment of the Attorney Occupation Tax and the Client Security Fund fee. A retired attorney may resume the practice of law at any time by providing notice to the superior court, but by doing so again becomes subject to payment of the Client Security Fund fee. This summer the judges of the superior court amended this rule to allow retired lawyers to perform uncompensated services under the auspices of a legal service organization, a bar association, or a court affiliated pro bono program.¹

Retired lawyers have a wealth of legal knowledge and practical skills, the desire to use their talents to contribute to the general good, and the wish to remain engaged with their colleagues. But they have retired for a reason—they want flexibility to allocate their time so that they can also pursue other interests. The challenge becomes designing pro bono programs that can tap into this resource and provide the flexibility that retired lawyers demand. The Connecticut Bar Association, in conjunction

with the Connecticut Judicial Branch, has done just that. The Small Claims Court Project provides advice and counsel to unrepresented small claims court litigants around the state. Volunteers sign up for two-hour sessions several times throughout the year. They form a limited relationship with their clients only for the period of time they meet for consultation, and have no ongoing obligation to represent or advise the client after the end of the session. No prior litigation experience is necessary to be a very effective counselor to these clients. Usually two volunteers participate in each session.

The CBA provides training for Small Claims Court Project volunteers and also provides malpractice coverage. The project has been operating on a pilot basis in the Hartford Small Claims Court since June, and has been proven to be satisfactory for both retired attorney volunteers and the clients who have used the service. Anyone interested in volunteering for this program should contact Melissa Wyckoff at the CBA at mwyckoff@ctbar.org or (860)612-2036.

Aside from the Small Claims Court Project, retired lawyers can get involved in the many other pro bono opportunities available in Connecticut. These opportunities can be found online at the "Pro Bono Portal" (<http://probono.ctlawhelp.org/>). With the wealth of pro bono opportunities for lawyers in this state, we hope that many of Connecticut's retired attorneys take advantage of this new rule change to give back to their communities.

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Notes

1. The judges also created a new "permanent retirement" status under rule 55A. A lawyer may choose to retire permanently, and thereby be exempt from the annual attorney registration process. However, anyone who retires under this rule will be required to take the bar exam to resume practicing law.