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MLA 9th ed.

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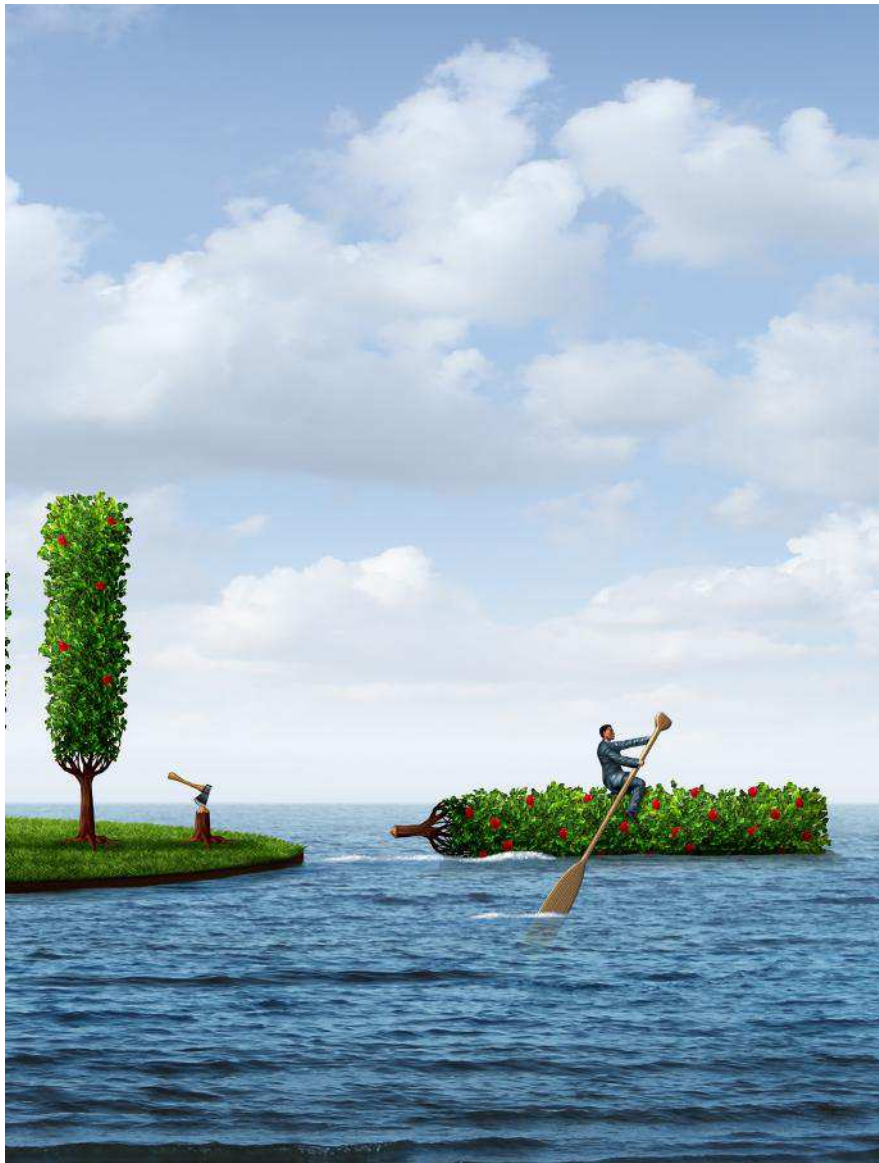
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PRO BONO PUBLICO LICENSE:

BEING OF SERVICE IN RETIREMENT

**By Marilyn Smith and Judge
Martha Blood Wentworth**



What are your retirement plans? Perhaps hitting the road, sunning on a beach, concentrating on a hobby, or just having more time to be with friends, family, and your wonderful grandchildren. Post-COVID, however, you may now picture your retirement to include something new: dusting off a corner of your legal know-how to serve your community.

If 2020 has taught us anything, it is that a crisis widens the gulf between the “haves” and the “have-nots.” Lucky us, though, we live in Indiana where so many public and private groups put their time and treasure into feeding, clothing, housing, educating, and helping those who find themselves in need, many for the very first time.

But who helps those who need to navigate the legal system but cannot afford an attorney? Even before the pandemic, our legal services groups were stretched beyond capacity. Often, self-help is the only option for a young father to try to expunge a teenage conviction and get a job, for a young mother to enforce a child support order, or for a son or daughter of an elderly parent who

needs a guardianship. Schooled in the law, these problems and so many more are right up your alley! Besides, there is plenty of help for that retired tax attorney to learn how to do an expungement, a child support petition, or a guardianship.

Curious? Last year, the Indiana Supreme Court made it easier for retired and inactive attorneys to serve as legal volunteers by adopting Admission and Discipline Rule 6.2, titled *Pro Bono Publico License*. See Order Amending Indiana Rules for Admission to the Bar and the Discipline of Attorneys (in.gov/judiciary/files/order-rules-2019-1017-admis-disc.pdf). The *Pro Bono Publico License* allows in-state and out-of-state - inactive and retired lawyers who intend to limit their legal services to volunteer free of charge legal services to help Hoosiers of limited means with the support and guidance of a pro bono or other legal services organization.¹

The great news is that Indiana's *Pro Bono Publico License* makes it easy-peasy to use your legal skills to help Hoosiers in need. It does so by removing complexities.

MALPRACTICE INSURANCE

First and foremost, lawyers who get a *Pro Bono Publico License* are covered by the malpractice insurance of their supporting Indiana civil legal aid or pro bono organization.

“Some of you may want to 'scratch that itch' and try a new area of law. Others may prefer delivering services only in person, by phone, or virtually online.”

INDIANA'S PRO BONO & CIVIL LEGAL AID OFFICES

You don't have to go-it-alone because Indiana has staffed pro bono and civil legal aid offices across the state.² These pro bono provider organizations will train you to help Hoosier veterans with estate

planning or to help Hoosiers restore their suspended driving privileges to travel to a job. In addition, by working through a recognized legal aid or pro bono agency, all the responsibility for administration, office space, training, and fiscal management is carried by the organization, not you, a lawyer with a *Pro Bono Publico License*.

PRO BONO OPPORTUNITIES THAT FIT

Any of Indiana's pro bono and civil legal aid offices can provide you with a wide variety of opportunities to match your skills, interests, and available time. Some of you may want to “scratch that itch” and try a new area of law. Others may prefer delivering services only in person, by phone, or virtually online. Indeed, some lawyers may want to provide brief, one-time legal advice, limited scope representation, or one or more extended representations in one specific area of interest. Any of these preferences are possible.

BRIEF, ONE-TIME LEGAL ADVICE

This type of legal service can be delivered through advice desks, phone banks, or court and library-based clinics. Also, Pro Bono Indiana has a pro bono online initiative called: Indiana Free Legal Answers (indiana.freelegalanswers.org). This online platform allows you to answer legal questions from low-income Hoosiers from any location with access to the internet: your kitchen table, a beach house, or as you cruise down the Ohio river. In fact, answering these civil legal questions can be customized to your own individual schedule.



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California Matters

If you have matters in California or referrals, we can help you. Please contact Guy Kornblum or his office for information.

In addition to litigation and dispute resolution services, Guy also serves as an expert witness in legal malpractice and cases relating to insurance claims.

Guy is a native Hoosier and alumnus of Indiana University. He is a member of the Indiana and California bars, and certified in Civil Trial & Pretrial Practice Advocacy by the National Board of Trial Advocacy.

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For further discussion, contact David McNamar of counsel to the firm, at dmcnamar@mcnamarlaw.com or 317.299.0160.

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LIMITED SCOPE REPRESENTATION

Limited scope representation is an option that relieves you of responsibility for a case that may go on for years, or for longer than you are willing or able to volunteer. Indiana recognizes less than full service legal representation. See Ind. Professional Conduct Rule 1.2(c) (“A lawyer may limit the scope and objectives of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”) Moreover, the recognized legal aid and pro bono agencies you will work through are experienced navigators of the ins and outs of any ethical considerations of less than full-service representation.

EXTENDED REPRESENTATION

Some retired lawyers may not want 50 case files nagging them for attention in retirement, but they have found great satisfaction in representing a client over an extended period of time, especially because they can watch clients make improvements and progress in their lives. Working through a recognized legal aid or pro bono agency, this desire can become a reality too upon obtaining Indiana’s *Pro Bono Publico License*.

There is **no fee** to apply for a *Pro Bono Publico License*. You must file with the State Board of Law Examiners “an affidavit of intent to be devoted solely to the provision of pro bono legal services” and, if admitted to practice in another state, a certificate of admission and good standing from the highest court of that state. Ind. Admission and Discipline Rule 6.2, Section 2(a), (b).

If approved, you are authorized to “appear before a court or tribunal of this jurisdiction, prepare legal documents, render legal advice and provide other pertinent legal services free of charge to persons of limited means through a pro bono or other legal assistance organization.” Admis. Disc. R. 6.2.3(a). Also, you are entitled to all “the rights and obligations of a member of the bar of Indiana with respect to attorney client privilege, work product privilege and similar professional privileges.” Admis. Disc. R. 6.2.4(b).

A lawyer with a *Pro Bono Publico License* is required to annually complete only 3 hours of continuing legal education, 1 hour of which for professional responsibility. Admis. Disc. R. 6.2.4(c). The Indiana State Bar Association offers 3 hours of free CLE to members who get their *Pro Bono Publico License*. You may contact cle@inbar.org for more information on this offer. Also, many of the pro bono and civil legal aid organizations provide free CLE in return for volunteer time.

There is no one-size-fits-all plan for a happy retirement. Some retired lawyers want to put the law in the rearview mirror and embark on wholly new adventures or pursue interests their lively law practice prevented. Others want to right some wrongs in their retirement by using their legal skills to help less fortunate Hoosiers in a different way, as a pro bono volunteer. With a *Pro Bono Publico License* you have the tools - professional liability coverage, staff support, pro bono colleagues, and access to training and answers about areas including family law, housing, consumer rights, estate planning, and re-entry. Add getting a *Pro Bono*

Publico License to your retirement plan; you will find it meaningful and fun to be a Do-Gooder! 

1. The *Pro Bono Publico* license also permits attorneys holding a business counsel license to apply to participate in pro bono activities in Indiana.
2. For information about civil legal aid/pro bono organizations in your area, see indianalegalhelp.org/find-legal-help/

Intellectual Property is Complex.

Team with our attorneys to protect your client's creative and intellectual assets. Focused exclusively on patent, trademark, copyright and trade secret matters, our attorneys support your practice and provide a cost-effective, team approach for your client.



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