

GUIDE TO SELECT RULES FOR PRO BONO PRACTICE

This resource provides a summary of select practice and other ethics rules that apply to pro bono legal services by lawyers in the United States. The rules are described in brief below, followed by a comprehensive chart providing information about requirements in all fifty U.S. states and the District of Columbia. Sources with more detailed information about each topic are referenced in the chart.

This guide addresses issues frequently encountered in pro bono practice but is not intended to cover all applicable ethics and practice rules; attorneys should consult the rules in their jurisdictions for more information.

In-House Practice Rules

Numerous in-house attorneys, though admitted and in good standing in one or more U.S. jurisdictions or in a foreign country, are not licensed in the states in which they currently work. The practice rules in all states except Hawaii permit in-house counsel licensed in other U.S. jurisdictions to represent their in-state employer. The practice rules in about half of U.S. jurisdictions also permit in-house counsel licensed in a foreign country to represent their in-state employer. While some U.S. jurisdictions require non-locally licensed in-house counsel to apply for registration or certification to work for their in-state employer as in-house counsel, others permit non-locally licensed in-house counsel to practice under an authorization exception to the jurisdiction's rules on the unauthorized practice of law.

Pro Bono Practice Rules

Pro Bono by Non-Locally Licensed In-House Counsel

While most jurisdictions permit non-locally licensed in-house counsel to represent their in-state employer, permission to engage in pro bono legal services has been restricted. Many jurisdictions place onerous requirements on pro bono service by non-locally licensed in-house counsel (*e.g.*, requiring supervision by a locally licensed attorney and/or association with an approved legal services organization). Other jurisdictions do not expressly permit non-locally licensed in-house counsel to practice in pro bono matters. Only four jurisdictions permit foreign lawyers who are registered in-house counsel to engage in pro bono, subject to restrictions.

Pro Bono by Out-of-State Attorneys

A number of jurisdictions allow attorneys who are licensed out-of-state, regardless of practice or employer, to provide pro bono. Out-of-state lawyers in jurisdictions that do not expressly permit their pro bono participation under another rule (*e.g.*, in-house counsel rule) may practice under these provisions. However, many of these rules place numerous restrictions on pro bono, including requiring that legal services be provided in "association with" or "affiliation with" approved legal services organizations and/or that the out-of-state attorney works under the supervision of a locally licensed attorney, as well as time limitations.

Pro Bono by Emeritus Attorneys

The rules concerning the qualification to become an “emeritus” attorney vary among jurisdictions, including how many years the attorney has practiced and how old the attorney must be. In some jurisdictions, out-of-state attorneys on active, inactive, or retired status may be included in the definition of an “emeritus” attorney, permitting such attorneys to provide pro bono service. Thus, in some states, the emeritus rule is the out-of-state attorney rule. Emeritus rules generally include restrictions such as requiring supervision by an active locally licensed attorney or requiring association with an approved legal services organization.

Legal Services Following Determination of Major Disaster

Following Hurricane Katrina, many evacuees sought pro bono legal assistance from attorneys in states to which they had evacuated. Additionally, many local attorneys were displaced and legal aid organizations faced overwhelming need. Pro bono attorneys from around the country sought to meet the need by providing assistance to displaced evacuees and coming to the Gulf Coast states to volunteer their legal services. In the intervening years, many jurisdictions have implemented “Katrina” rules that permit out-of-state attorneys to provide pro bono services following a major disaster. These rules often place restrictions on the pro bono work that the attorney can do. Currently, over a quarter of the jurisdictions have “Katrina” rules.

CLE

Some states permit pro bono service to count toward mandatory CLE requirements. The calculation of how many hours of pro bono service is equivalent to one CLE credit and the cap on the number of credits that may be earned through pro bono service vary among jurisdictions. Currently, more than half of the jurisdictions with a CLE mandate allow pro bono service to count towards CLE requirements.

Pro Bono Hours Goal

A majority of U.S. jurisdictions have an aspirational, annual pro bono hourly goal for attorneys practicing in that state. The American Bar Association (ABA) Model Rule of Professional Conduct 6.1 on Voluntary Pro Bono Service sets an aspirational goal of 50 hours annually, and many states have followed suit, adopting either a version of Model Rule 6.1 or a unique rule specifying the pro bono goal.

Limited Scope Representation

ABA Model Rule of Professional Conduct 6.5 modifies the rules concerning conflict checks when an attorney provides short-term, limited legal services to a client under the auspices of a program sponsored by a nonprofit organization or a court. The conflict rules only apply if the attorney knows that the representation of the client involves a conflict of interest, or knows that another lawyer associated with the attorney in a law firm is disqualified with respect to the matter. Relaxing the conflict rules for such short-term limited representations enables attorneys to participate in legal advice clinics and similar pro bono programs without screening for conflicts of interest.

Reporting Pro Bono Hours

A majority of U.S. jurisdictions have mandatory or voluntary reporting requirements for pro bono service by lawyers licensed to practice in the jurisdiction.

Ghostwriting

Ghostwriting is a form of limited scope representation that addresses the extent to which attorneys may engage in the drafting process of a pro se litigant's filing of a court document. The ABA adopts the position that ghostwriting is permitted and does not require the identity nor level of attorney assistance given to a pro se litigant. Pursuant to the competing arguments on both sides regarding the possible ethical concerns ghostwriting, jurisdictions have adopted permissive rules, binding rules, or have issued ethics opinions aligning or deviating with the ABA's approach. These rules detail the level of attorney assistance or attorney identity disclosure required, if any. A majority of U.S. jurisdictions have taken a position on ghostwriting, either through binding rules or non-binding advisory opinions.

Summary of Pro Bono Rules By State¹

	In-House Counsel Practice Rules		Pro Bono Practice Rules					CLE	Limited Scope Representation	Pro Bono Hours		Ghostwriting
State	May non-locally licensed out-of-state attorneys work in-house?	May non-locally licensed foreign attorneys work in-house?	May non-locally licensed out-of-state in-house counsel do pro bono?	May non-locally licensed foreign in-house counsel do pro bono?	May out-of-state active attorneys do pro bono?	Is there an emeritus rule? ⁱⁱ	Is there a “Katrina rule” for legal aid after major disaster? ⁱⁱⁱ	May some pro bono count for CLE credit?	Eases conflict check requirements?	Annual pro bono hours goal?	Required or voluntary reporting of pro bono hours?	Rule and/or ethics opinion governing ghostwriting?
Alabama	Yes – Registration	No	No	No	No	Yes	No	Yes	Yes	No	Voluntary	Yes
Alaska	Yes – No Registration	Yes - No Registration	No	No	Yes	Yes	No	Yes	Yes	50	Neither	Yes
Arizona	Yes – Registration	Yes - Registration	Yes	Yes	Yes	Yes	Yes	Yes	Yes	50	Voluntary	Yes
Arkansas	Yes – No Registration	No	No	No	Yes	Yes	No	Yes	Yes	50	Voluntary	Yes

¹ Some rules include additional restrictions. See the text of the actual rules for complete information.

ⁱⁱ See American Bar Association, Commission on Law and Aging, “State Emeritus Pro Bono Practice Rules,” (December 2024), https://www.americanbar.org/content/dam/aba/administrative/law_aging/2018-emeritus-probono-practice-rules.pdf.

ⁱⁱⁱ See Legal Aid Disaster Resource Center, “Pro Bono Assistance Deployment and the Katrina Rule,” (November 2022), <https://www.ladrc.org/wp-content/uploads/2023/03/LADRC-Guide-Pro-Bono-Assistance-Deployment-Katrina-Rule.pdf>.

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California	Yes – Registration	No	Yes	No	No	Yes	No	No	Yes	50	Mandatory	Yes
Colorado	Yes – Registration	No	Yes	No	Yes	Yes	Yes	Yes	Yes	50	Voluntary	Yes
Connecticut	Yes – Registration	Yes - Registration	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Voluntary	Yes
Delaware	Yes – Registration	Yes - Registration	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Neither	Yes
District of Columbia	Yes – No Registration	Yes - No Registration	No	No	Yes	Yes	No	No CLE mandate	Yes	50	Voluntary	Yes

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Florida	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	No	Yes	Yes	20	Mandatory	Yes
Georgia	Yes – No Registration	Yes - No Registration	No	No	Yes	Yes	Yes	No	Yes	50	Voluntary	No
Hawai‘i	No	No	No	No	No	Yes	No	No	Yes	50	Mandatory	No
Idaho	Yes – Registration	No	Yes	No	Yes	Yes	Yes	No	Yes	50	Neither	No
Illinois	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Mandatory	Yes
Indiana	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	No	No	Yes	50	Mandatory	No

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Iowa	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	Yes	No	Yes	50	Voluntary	Yes
Kansas	Yes – Registration	Yes – No Registration (foreign law only)	Yes	No	No	Yes	No	No	Yes	No	Voluntary	Yes
Kentucky	Yes – Registration	No	Yes	No	No	Yes	No	No	Yes	50	Voluntary	Yes
Louisiana	Yes – Registration	No	No	No	No	Yes	Yes	Yes	Yes	50	Voluntary	Yes
Maine	Yes – No Registration	No	No	No	Yes	Yes	No	Yes	Yes	No	Voluntary	Yes
Maryland		No	No	No	Yes	Yes	No	No CLE	Yes	50	Mandatory	Yes

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	Yes – No Registration							mandate				
Massachusetts	Yes – Registration	Yes - Registration	Yes	No	No	Yes	No	No CLE mandate	Yes	25	Voluntary	Yes
Michigan	Yes - Registration	No	No	No	No	No	No	No CLE mandate	Yes	No	Voluntary	Yes
Minnesota	Yes – Registration	Yes - Registration	Yes	No	No	Yes	Yes	Yes	Yes	50	Mandatory	No
Mississippi	Yes - Registration	No	No	No	Yes	Yes	Yes	No	Yes	20	Mandatory	Yes
Missouri	Yes –	Yes - Registration	Yes	Yes	No	Yes	Yes	No	Yes	No	Voluntary	Yes

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	Registration											
Montana	Yes – No Registration	Yes - No Registration	No	No	No	Yes	No	No	Yes	50	Voluntary	Yes
Nebraska	Yes – Registration	No	Yes	No	No		No	No	Yes	50	Neither	Yes
Nevada	Yes – Registration	No	Yes	No	Yes	Yes	No	Yes	Yes	20 (or 60 at reduced fee)	Mandatory	Yes
New Hampshire	Yes – No Registration	Yes – No Registration	No	No	No	Yes	Yes	Yes	Yes	30	Neither	Yes
New Jersey	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	Yes	No	Yes	No	Mandatory ²	Yes

² Note that the ABA Standing Committee does not consider New Jersey’s requirement that attorneys complete an assigned pro bono case unless they have reported a minimum of 25 hours of qualifying pro bono services as fitting its definition of mandatory pro bono reporting. *See* The American Bar Association, “Pro Bono Reporting,” https://www.americanbar.org/groups/probono_public_service/policy/arguments/

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New Mexico	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	No	Yes	Yes	No	Mandatory	Yes
New York	Yes – Registration	Yes - Registration	Yes	Yes	No	Yes	Yes	Yes	Yes	50	Mandatory	Yes
North Carolina	Yes – No Registration	Yes - No Registration	Yes	No	Yes	Yes	temporary order for aid related to Hurricane Helene; expired Jan. 2025	No	Yes	50	Voluntary	Yes
North Dakota	Yes – Registration	Yes - Registration	No	No	Yes	Yes	Yes	Yes	Yes	No	Voluntary	Yes
Ohio		No	Yes	No	No	Yes	No	Yes	Yes	No	Voluntary	No

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	Yes – Registration											
Oklahoma	Yes – Registration	No	No	No	No	no	No	No	Yes	No	Neither	Yes
Oregon	Yes – Registration	Yes - Registration	Yes	No	Yes	Yes	Yes	Yes	Yes	80	Voluntary	Yes
Pennsylvania	Yes – Registration	No	Yes	No	Yes	Yes	No	Yes	Yes	No	Neither	Yes
Rhode Island	Yes – Registration	No	Yes	No	Yes	No	No	No	Yes	50	Neither	Yes
South Carolina	Yes – Registration	No	Yes	No	No	Yes	Yes	Yes	Yes	No	Voluntary	No

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South Dakota	Yes – No Registration	Yes - Registration	No	No	No	Yes	No	No CLE mandate	Yes	No	Neither	No
Tennessee	Yes – Registration	Yes - Registration	Yes	No	No	Yes	Yes	Yes	Yes	50	Voluntary	No
Texas	Yes – No Registration	Yes - Registration	No	No	Yes	Yes	Yes	No	Yes	No	Voluntary	No
Utah	Yes – Registration	No	Yes	No	Yes	Yes	Yes	Yes	Yes	50	Voluntary	Yes
Vermont	Yes – No Registration	No	No	No	Yes	Yes	No	No	Yes	50	Neither	No

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Virginia	Yes – Registration	Yes - Registration	Yes	No	No	Yes	Yes	Yes	Yes	At least 2% of lawyer’s time	Voluntary	Yes
Washington	Yes – Registration	Yes - Registration	Yes	No	No	Yes	Yes	Yes	Yes	30	Voluntary	Yes
West Virginia	Yes – No Registration	Yes - No Registration	No	No	Yes	Yes	No	Yes	Yes	No	Neither	Yes
Wisconsin	Yes – Registration	Yes - Registration	Yes	Yes	No	Yes	Yes	Yes	Yes	50	Voluntary	Yes
Wyoming	Yes – No Registration	Yes – No Registration	No	No	No	Yes	No	Yes	Yes	50	Neither	Yes

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