

IN THE SUPREME COURT OF NORTH CAROLINA

.....  
In the Matter of an Emergency Petition )  
of the North Carolina State Bar )  
 ) PETITION  
Re: Emergency Rule Permitting Temporary )  
Pro Bono Practice By )  
Lawyers Licensed in Another State )  
.....

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES  
OF THE SUPREME COURT OF NORTH CAROLINA

The North Carolina State Bar respectfully petitions the Court as follows:

1. Hurricane/Tropical Storm Helene ("Helene") has had widespread and devastating effects upon residents of western North Carolina. Governor Roy Cooper has declared a state of emergency in North Carolina. The Federal Emergency Management Agency has designated 25 counties in North Carolina disaster relief areas. It is estimated that 255,498 people are living in poverty in the designated counties.
2. Indigent victims of Helene have a critical, immediate need for legal services. Legal services organizations such as Legal Aid of North Carolina and Pisgah Legal Services indicate that hundreds of volunteer lawyers are needed to serve the legal needs of indigent people victimized by this natural disaster. Lawyers who are licensed in other states but not in North Carolina, and who have experience providing legal services to storm victims including victims of Hurricanes Florence, Katrina, and Harvey, stand ready to assist victims of Helene in North Carolina.
3. N.C. Gen. Stat. § 84-7.1(3) creates an exception to the prohibition against the unlicensed practice of law in North Carolina for “[a]ny lawyer licensed by another state and permitted by the North Carolina State Bar to represent indigent clients on a pro bono basis under the supervision of active members employed by nonprofit corporations qualified to render legal services pursuant to G.S. 84-5.1.”
4. 27 N.C. Admin. Code 1D § .0905 establishes the procedure by which a lawyer licensed to practice law in another state but not in North Carolina may petition for authorization to provide pro bono legal services to indigent persons under the supervision of a lawyer licensed to practice law in North Carolina who is employed by a nonprofit corporation

qualified to render legal services pursuant to G.S. 84-5.1 and who has agreed to supervise the petitioner. The existing procedure does not permit the lawyer to begin providing pro bono legal services until the Administrative Committee of the State Bar approves the petition and the State Bar Council grants the petition upon the recommendation of the Administrative Committee. The Council only grants such petitions during quarterly meetings of the State Bar Council. The next quarterly meeting of the Council will occur on November 1, 2024.

5. It would benefit indigent victims of Helene to amend 27 N.C. Admin. Code 1D § .0905 temporarily to permit lawyers licensed in other states but not in North Carolina to register with the North Carolina State Bar and begin immediately providing pro bono legal services to indigent residents of North Carolina who are victims of Helene without the necessity of obtaining an order from the Council of the North Carolina State Bar for authorization to do so. However, there is not sufficient time to follow the prescribed procedural steps to amend the State Bar's administrative rules and still provide the indigent legal services now, when they are desperately needed.
6. The Supreme Court of North Carolina has the inherent authority to issue orders regulating the legal profession in North Carolina. *Beard v. North Carolina State Bar*, 357 S.E.2d 694, 320 N.C. 126 (1987). See also N.C. Gen. Stat. § 84-36, which acknowledges the Court's inherent authority.
7. In 2018, the Supreme Court of North Carolina issued an order approving an amendment to 27 N.C. Admin. Code 1D Rule § .0905 temporarily to permit lawyers licensed in other states but not in North Carolina to register with the North Carolina State Bar and begin immediately providing pro bono legal services to indigent residents of North Carolina who were victims of Hurricane Florence. That order resulted in 42 lawyers licensed in other states registering to provide pro bono legal services to indigent victims in North Carolina. A copy of the Court's 2018 order is attached hereto as Exhibit 2.

Wherefore, the North Carolina State Bar respectfully petitions the Supreme Court of North Carolina to enter an emergency order approving an amendment to 27 N.C. Admin. Code 1D Rule § .0905 in the form attached hereto as Exhibit 1.

This the 1st day of October, 2024.

  
Carmen H. Bannon

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## Proposed Amendment to Rule .0905, Pro Bono Practice by Out of State Lawyers

27 N.C.A.C Chapter 1D - Section .0900 Procedures for Administrative Committee

### Rule .0905 Pro Bono Practice by Out of State Lawyers

(a) A lawyer licensed to practice in another state but not North Carolina who desires to provide legal services free of charge to indigent persons may file a petition with the secretary addressed to the council setting forth:

1. The petitioner's name and address;

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(h) Emergency Rule Permitting Temporary Pro Bono Practice by Lawyers not Licensed in North Carolina. A lawyer licensed to practice in another state but not in North Carolina who desires to provide legal services free of charge to indigent victims of Hurricane/Tropical Storm Helene ("Helene") under the supervision of a member employed by a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1 may do so notwithstanding paragraphs (a) through (g) of this rule under the following conditions:

1. The lawyer's practice of law in North Carolina under Rule .0905(h) is limited to pro bono assistance of indigent victims of Helene and must be rendered under the supervision of a member employed by a nonprofit corporation qualified to render legal services pursuant to G.S. 84-5.1.

2. The lawyer must file with the North Carolina State Bar the Registration for Temporary Pro Bono Practice of North Carolina Law form containing:

i. the lawyer's mailing address, telephone number, and email address;

ii. identification of all jurisdictions in which the lawyer is licensed to practice law, dates of licensure and license number(s);

iii. a statement that the lawyer is in good standing with the entity that governs the practice of law in each jurisdiction where the lawyer is licensed to practice law;

iv. a statement that the lawyer's license to practice law has not been revoked or suspended in any jurisdiction in which the lawyer has ever been licensed to practice law;

v. a statement that the lawyer agrees to abide by the North Carolina Rules of Professional Conduct and submits to the disciplinary jurisdiction of the courts of North Carolina and of the North Carolina State Bar in regard to any acts or omissions of the lawyer related to the practice of law in North Carolina;

vi. a statement that the lawyer will only engage in the limited pro bono practice of law authorized by this emergency rule; and

vii. a certification that all information contained on the form is true and complete.

3. Permission to practice law in North Carolina under Rule .0905(h) terminates on January 24, 2025. A lawyer practicing law under Rule .0905(h) who desires to continue to provide pro bono services after January 24, 2025 must submit a petition to the State Bar Council pursuant to paragraphs (a) through (g) of this rule on or before January 10, 2025 in order for the petition to be considered by the Administrative Committee of the State Bar at the January meeting of the State Bar Council.

SUPREME COURT OF NORTH CAROLINA

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In the Matter of an Emergency )  
 Petition of the North Carolina State )  
 Bar )  
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 Re: Emergency Rule Amendment in )  
 Response to Hurricane Florence )  
 Permitting Temporary Pro Bono )  
 Practice by Out-of-State Lawyers )  
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ADMINISTRATIVE ORDER

The North Carolina State Bar, authorized by Chapter 84 of the North Carolina General Statutes to regulate the legal profession in North Carolina, has petitioned this Court to approve an amendment to 27 N.C. Admin. Code 1D Rule .0905 to permit lawyers licensed in other states but not in North Carolina to temporarily register with the North Carolina State Bar and begin immediately providing pro bono legal services to indigent residents of North Carolina who are victims of Hurricane Florence.

The Court has studied the amended petition of the North Carolina State Bar and the proposed rule amendment attached thereto as Exhibit 1. The Court concludes that the proposed rule amendment would promote the interests of justice and that the amended petition should be granted.

Now, therefore, in the exercise of its inherent authority to supervise and regulate the legal profession and the conduct of lawyers in this State, the Supreme

Court of North Carolina grants the amended petition and approves the proposed amendment to 27 N.C. Admin. Code 1D Rule .0905. This rule amendment is effective immediately.

By Order of the Court in Conference, this the 2nd day of October, 2018.



Mark Martin  
Chief Justice  
For the Court

WITNESS my hand and the seal of the Supreme Court of North Carolina, this the 2<sup>nd</sup> day of October, 2018.

AMY L. FUNDERBURK  
Clerk, Supreme Court of North Carolina



M.C. Hackney  
Assistant Clerk, Supreme Court of North  
Carolina

