

This page was inadvertently omitted from the bound volume of proposed rules' amendments.

SCR 3.662 (3) (e) Qualifying continuing legal education activity and standards.

The proposed amendments to SCR 3.662 (3) (e) are:

(e) Pro Bono Legal Services Credit may be earned for performing uncompensated legal services for clients unable to afford counsel pursuant to (i) assignment by a court or (ii) a pro bono CLE program sponsored by an Approved Pro Bono CLE Provider. CLE credit shall not be awarded for pro bono legal services performed outside of Kentucky unless sanctioned by a Kentucky court or an Approved Pro Bono CLE Provider.

(a.) Definitions

(i.) Uncompensated legal services are legal services assigned by or in coordination with the nonprofit agency within the judicial district that has been designated by the Chief Justice of the Kentucky Supreme Court pursuant to KRS 27A.600 as the provider for legal services to indigent clients involved in civil matters.

(ii.) A pro bono CLE program is a program, activity, or case to which attorneys are assigned by an Approved Pro Bono CLE Provider.

(b.) Court Assignment – Pro Bono CLE credit may be earned for the provision of uncompensated legal services to clients unable to afford counsel, pursuant to assignment by a court.

(c.) Approved Pro Bono CLE Providers

(i.) Eligibility – Eligibility for designation pursuant to the rules of the Continuing Legal Education Commission of the Kentucky Bar Association as an Approved Pro Bono CLE Provider is limited to the following entities:

(1.) The nonprofit agency within the judicial district that has been designated by the Chief Justice of the Kentucky Supreme Court pursuant to KRS 27A.600 as the provider for legal services to indigent clients involved in civil matters; or

(2.) a subsidiary, subdivision or program partner with the designated agency when the primary purpose is the furnishing of uncompensated legal services to indigent persons.

(ii.) Approval – An eligible organization seeking to become an Approved Pro Bono CLE Provider must submit to the CLE Commission a letter requesting approval. The letter shall include the name(s) and a brief description(s) of the organization's pro bono CLE project(s); specify the Kentucky Legal Services organization with which the CLE Provider will coordinate the project; and the name of a pro bono CLE contact person at the CLE Provider organization. The organization requesting approval as an Approved Pro Bono CLE Provider shall be furnished with written notice of the CLE Commission's determination to approve, conditionally approve or deny the request by first class mail at the address reflected on the letter requesting approval. Pro bono CLE programs sponsored by Approved Pro Bono CLE Providers are deemed approved for pro bono CLE credit for a period of three (3) years from the date of the CLE Commission's approval of the Pro Bono CLE Provider.

(d.) Calculation of Credit – Credit for pro bono legal services shall be awarded in the following ratio: one (1) CLE credit hour for every three (3) 60-minute hours of pro bono legal services. Ethics credit hours are available for participation in this type of CLE activity, but must be designated by the participating pro bono attorney. A maximum of six (6) pro bono CLE credit hours may be earned during any one reporting cycle, i.e. eighteen (18) hours of volunteer service equals six (6) pro bono CLE credit hours.

(e.) Attorney Obligations – Attorneys shall keep time records of their participation in pro bono CLE activities and shall retain the records for a period of four (4) years.

(i.) Attorneys who perform pro bono CLE activities pursuant to assignment by a court shall calculate the CLE credit hours earned. The attorney shall retain for a period of four (4) years the CLE credit hour calculation and a copy of the court order assigning the attorney to the pro bono activity.

(ii.) Attorneys who perform pro bono CLE activities sponsored by an Approved Pro Bono CLE Provider shall complete an affirmation describing the services provided, and stating the number of hours of pro bono legal service that the attorney performed. The attorney shall submit the affirmation to the sponsoring Approved Pro Bono CLE Provider.

(f.) Obligations of Approved Pro Bono CLE Providers

(i.) Letters of Participation – Approved Pro Bono CLE Providers shall furnish participating attorneys with a letter of participation indicating: (1) the name of the Approved Pro Bono CLE Provider; (2) the date(s) of the assignment, and the location and name if applicable of the pro bono CLE program; (3) the name of the attorney participant; (4) the number of hours of pro bono services provided by the attorney pursuant to section 3(D)(11)(e) above; and (5) the number of pro bono CLE credit hours earned.

(ii.) Participation List – Approved Pro Bono CLE Providers shall retain for a period of four (4) years a list of participants in each pro bono CLE program along with the number of hours of pro bono service claimed and the number of pro bono CLE credit hours earned by each participant.

(iii.) Year-End-Reports – Approved Pro Bono CLE Providers shall complete and submit to the CLE Board a year-end report at the end of each calendar year during which the organization has been an Approved Pro Bono CLE Provider. The report shall contain information for accredited pro bono CLE programs sponsored during the calendar year, including: (1) the total number of pro bono CLE programs sponsored; (2) the total number of attorneys participating in the pro bono CLE programs; and (3) the total number of hours of pro bono service provided by attorneys under the provider's pro bono CLE programs.