

JOINT ORDER OF THE APPELLATE DIVISIONS

The Appellate Divisions of the Supreme Court, pursuant to the authority vested in them, do hereby add, effective immediately, a new section 1200.20-a of Title 22 of the Official Compilations of Codes, Rules and Regulations of the State of New York, amending the Disciplinary Rules of the Code of Professional Responsibility with respect to participation in limited pro bono legal services programs, as follows:

§ 1200.20-a Participation in Limited Pro Bono Legal Service Programs

(a) A lawyer who, under the auspices of a program sponsored by a court, government agency, bar association or not-for-profit legal services organization, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) shall comply with sections 1200.20, 1200.24, and 1200.27 of these rules, concerning restrictions on representations where there are or may be conflicts of interest as that term is defined in this part, only if the lawyer has actual knowledge at the time of commencement of representation that the representation of the client involves a conflict of interest;

(2) shall comply with sections 1200.20, 1200.24 and 1200.27 only if the lawyer has actual knowledge at the time of commencement of representation that another lawyer associated with the lawyer in a law firm is affected by those sections;

(b) Except as provided in paragraph (a)(2), sections 1200.24 and 1200.27 are inapplicable to a representation governed by this section.

(c) Short-term limited legal services are services providing legal advice or representation free of charge as part of a program described in subdivision (a) with no expectation that the assistance will continue beyond what is necessary to complete an initial consultation, representation or court appearance.

(d) The lawyer providing short-term limited legal services must secure the client's informed consent to the limited scope of the representation, and such representation shall be subject to the provisions of section 1200.19.

(e) The provisions of this section shall not apply where the court before which the representation is pending determines that a conflict of interest exists or, if during the course of the representation, the attorney providing the services become aware of the existence of a conflict of interest precluding continued representation.

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Dated: November 9, 2007