

# ACT 2

## Attorneys Do Good

BY FRANK DESANTIS

Attorneys often use their transition from active full-time work as an opportunity to volunteer in *pro bono* efforts. In the past attorneys were required to pay the full cost of keeping their license active in order to do *pro bono* work during retirement. Today, there is good news for attorneys who want to volunteer in the later years of their career; Ohio will soon have a new emeritus attorney registration status. The Ohio Supreme Court announced in March new rules that will allow retired attorneys to engage in limited legal practice to provide *pro bono* service.

The new registration status is the result of changes to Rule VI of the Rules for the

Government of the Bar of Ohio. The changes were in a response to the recommendations made by the Supreme Court Task Force on Access to Justice, which was charged with identifying gaps in and obstacles to accessing the civil justice system in Ohio. These changes will take effect on September 15, 2016.

The emeritus *pro bono* status will be available to an attorney admitted to practice law in Ohio and is associated with a law school clinic, legal aid, approved legal services organization, public defender's office, or other legal services organization. The attorney will be required to have supervision from an active-status attorney and routine legal services will not require supervision. The emeritus attorney will not be allowed to receive compensation beyond reimbursement for expenses from the *pro bono* organization.

The new rule includes provisions that:

- Require an attorney to have practiced for a minimum of 15 years;
- Require a *pro bono* organization verify the attorney involvement;
- Add a biennial registration requirement and a \$75 registration fee;
- Require an emeritus *pro bono* attorney, upon expiration or revocation of emeritus status, to file for either active or inactive attorney status.

Access to justice remains a problem across the United States. Roughly 80% of people with low incomes are not having their civil legal needs met. Many lawyers are doing their part by providing *pro bono* services; the attorney emeritus status in Ohio will help to encourage more *pro bono* work throughout the state. Ohio joins several jurisdictions across the United States in making this change.

What type of work can late-career and retired attorneys do?

The Legal Aid Society of Cleveland, through its ACT 2 initiative of Legal Aid's Volunteer Lawyers Program and in collaboration with the CMBA, provides attorneys with a variety of opportunities to get involved.

Volunteers work closely with Legal Aid staff attorneys in their *pro bono* efforts. Legal Aid's Volunteer Lawyers Program supports ACT 2 volunteers with malpractice insurance, office space and resources, training, and mentors.



Roles for ACT 2 volunteers at Legal Aid include:

- In house work at Legal Aid in a substantive practice group or in the Community Engagement practice group;
- In house work at Legal Aid within the Volunteer Lawyers Program, leading a project or program, and
- Traditional *pro bono* work, such as participation in brief advice clinics, assisted pro se clinics, or accepting a *pro bono* case.

Within any of these opportunities, ACT 2 volunteers will also have the option to mentor law students and newer attorneys. Volunteers and law students or newer attorneys will be matched based on mutual interest in a project or area of law. In this way, ACT 2 attorneys can pass on their skills and experiences to the next generation of lawyers.

Attorneys who participate currently in Legal Aid's ACT 2 program all have a commitment to public service and to advocacy for low-income persons and are making a positive impact on our communities. For example, an ACT 2 volunteer at Legal Aid recently ensured housing for a person being displaced by the Ohio Department of Transportation's new Opportunity Corridor project, a \$331 million, 3.5 mile road linking I-490 and University Circle. The new road and surrounding development could bring jobs back to the neighborhoods and improve access to jobs, education and cultural activities for residents.

However, 64 homes and 25 businesses remain in the path of construction. The state has the right, by eminent domain, to access the land for development, but residents needed help to protect their rights.

Cleveland's Department of Aging approached Legal Aid for help. Homeowners, many of whom are older adults, who live along the construction route, needed legal advice.

As a Legal Aid ACT 2 volunteer, Paul Binder has been the point person at Legal Aid to help homeowners. He has reviewed a number of cases and has advised several residents whose property is slated to be taken for the Opportunity Corridor.

Mr. Binder brings 36 years of experience as a federal prosecutor to his volunteer work with Legal Aid. He recently retired from his practice of prosecuting anti-trust, fraud, and violent crime cases with the U.S. Department of Justice. In retirement, he wanted to continue using his skills as an attorney and joined Legal Aid as an in-house volunteer under Legal Aid's ACT 2 program. "It's a terrific opportunity to give back," says Mr. Binder.

"There is a wealth of experience and expertise in the community of potential ACT 2 attorneys. We are so fortunate to have so many talented attorneys willing to share that talent," says Ann Porath, managing attorney of Legal Aid's Volunteer Lawyers Program. Porath adds, "to maximize that experience and expertise is a key to addressing access to justice issues and strengthening our communities."

ACT 2 is a great opportunity for attorneys to continue or to begin giving their time and expertise to "do good." With flexible hours and a wide array of projects available, it is easy to find the right experience for you with

ACT 2. To learn more and to sign-up for ACT 2 with Legal Aid, visit [www.lasclev.org/ACT2](http://www.lasclev.org/ACT2).



*Frank DeSantis is a partner at Thompson Hine. He leads the advisory committee for Legal Aid's ACT 2 program, and is also an active pro bono volunteer. He is president emeritus of Legal Aid's Board of Directors, and a past president of the Cleveland Metropolitan Bar Foundation. He has been a CMBA member since 2007. He can be reach at (216) 566-5514 or [Frank.DeSantis@ThompsonHine.com](mailto:Frank.DeSantis@ThompsonHine.com).*

