



Frequently Asked Questions

Rule 6.7 of Indiana's Rules of Professional Conduct: Requirement for Reporting of Direct Pro Bono Legal Services

[Rule adopted January 1, 2015; revised April 3, 2023 to be effective January 1, 2024]

Q: Who Must Comply?

A: All Indiana attorneys but those in 4 exempted categories:

- 1) currently serving as a member of the judiciary or judicial staff,
- 2) a government lawyer prohibited by statute, rule, regulation, or agency policy from providing legal services outside his or her employment,
- 3) retired from the practice of law, or
- 4) inactive standing with the Clerk of the Indiana Supreme Court.

Even if you are exempt, you are still required to report that you are exempt and what the reason is for your exemption.

If you were exempt for only part of the year, then you were not exempt the other part of the year and should report hours and donations for that period.

If you are not exempt and have no pro bono or financial contributions to report, you must insert "0" (zero) in the form.

Q: What Must I Report?

A: "Reportable Pro Bono Hours" =

- legal services in Indiana or other states directly to individuals reasonably believed to be of limited means; and
- legal services in Indiana or other states directly to public service or charitable groups or organizations as defined in Rule 6.1 (1)

- Either (1) without charge and without any fee expectation when the services were rendered or (2) at a charge of less than 50% of your normal rate and without expectation of any greater fee when the services were rendered.
- Financial contributions and In-kind contributions of tangible property to eligible organizations:
 - the Indiana Bar Foundation
 - any of the local IRC 501(c)(3) pro bono districts listed at the Indiana Supreme Court website
 - a legal service organization located in Indiana that is eligible for fee waiver under I.C. 33-37-3-2(b)

Q: Am I required to offer pro bono hours and donations to maintain my attorney license?

A: No. The Indiana Supreme Court requires attorneys to report voluntary hours and donations, not to work pro bono hours or make donations. The Court is collecting this information to find out how much pro bono attorneys are voluntarily providing as part of a project to evaluate Hoosiers' access to legal aid.

Q: Where Do I Report?

A: During your annual attorney registration on the Indiana Courts Portal at <http://portal.courts.in.gov>

Q: When Do I Report?

A: Pro bono reporting happens annually when attorneys begin or renew their annual attorney registration, certify their IOLTA information, and pay any fees due. Attorneys report by October 1 each year for the prior calendar year.

Q: Can I change what I've reported after I complete my attorney registration?

A: No. Once you certify the information in your annual attorney registration is correct and submit it through the Indiana Courts Portal, you will not have the ability to go back and make changes. Make sure you have all the pro bono information you need before you sit down to complete registration.

Q: May I report pro bono services or donations made outside of Indiana?

A: Yes. Rule 6.7 says "legal services in Indiana or other states"

Q: How do I know if my client is a person of limited means?

A: You are making a good faith approximation. Rule 6.7 does not define “limited means” so it is a flexible concept that allows lawyers to measure their pro bono clients’ ability to pay against what it would otherwise cost them to pay for representation. A pro bono client may not be indigent in the absolute sense of the word, but might not have sufficient means to pay for legal representation. Still, if a lawyer represents a wealthy client for free because he believes in the cause, that is not reportable pro bono.

Q: Do my legal services qualify as pro bono legal services if I charge a reduced fee to a client who is unable to pay my general legal fees?

A: Yes, as long as you are making that determination at the time the services are provided and you are charging less than 50% of your normal rate without expectation of any greater fee.

Rule 6.7 acknowledges the laudable practice of lawyers who, rather than abandoning a client who can no longer pay for legal services, sticks with their client with no further expectation of being paid.

Q: May I approximate my financial contributions for pro bono reporting?

A: Rule 6.7 requires that attorneys report direct monetary support in actual, not estimated, dollars. Most lawyers already track these donations for tax purposes.

Q: What in-kind contributions may I report?

A: Rule 6.7 states that in-kind contributions do not include the value of donated services, only “tangible property,” with a reference to the donated property as “fairly valued.”

Q: What enforcement mechanisms are in place for compliance with Rule 6.7?

A: Rule 6.7 does not discuss professional discipline for violation of the rule. Practically speaking, non-compliance is not an option. The Court’s online annual registration portal will require attorneys to answer the Rule 6.7 questions in order to complete their attorney registration renewal. If attorneys have no pro bono or financial contributions to report, they shall insert “0” (zero) in the form.

Q: Can a legal representation that began as a fee-payment engagement be converted to a reportable pro bono representation?

A: Yes. Whether a representation is reportable pro bono is determined at the time the services were rendered; not at the outset of the representation.

Q: Why is this information being collected?

A: The Court is collecting this information to find out how much pro bono attorneys are voluntarily providing as part of a project to evaluate Hoosiers' access to civil legal services.

Rule 6.7 Requirement for Reporting of Direct Pro Bono Legal Services **[effective January 1, 2024]**

(a) Reporting Requirement. To encourage and assess the current and future extent of volunteer legal services provided directly to individuals of limited means and to public service or charitable groups or organizations, an attorney must report as part of the attorney's annual registration the following information:

(1) Pro Bono Hours - no compensation. (A) During the previous calendar year ending December 31 I have personally provided approximately _____ hours of legal services in Indiana or other states directly to individuals reasonably believed to be of limited means without charge and without any fee expectation when the services were rendered. (B) During the previous calendar year ending December 31, I have personally provided approximately _____ hours of legal services in Indiana or other states directly to public service or charitable groups or organizations as defined in Rule 6.1 Comment 1(d) without charge and without any fee expectation when the services were rendered.

(2) Pro Bono Hours – substantially reduced compensation. (A) During the previous calendar year ending December 31, I have personally provided approximately _____ hours of legal services directly to individuals reasonably believed to be of limited means at a charge of less than 50% of my normal rate and without expectation of any greater fee when the services were rendered. (B) During the previous calendar year ending December 31, I have personally provided approximately _____ hours of legal services directly to public service or charitable groups or organizations as defined in Rule 6.1 Comment 1(d) of less than 50% of my normal rate and without expectation of any greater fee when the services were rendered.

(3) Financial Contribution. During the previous calendar year ending December 31, I have either (i) made monetary contributions of \$_____ to one or more of the following: (A) the Indiana Bar Foundation, (B) IRC 501 (c)(3) bar foundation in Indiana which provides financial support to a qualifying legal service organization or local pro bono district, (C) any IRC 501(c)(3) pro bono district listed in the Indiana Supreme Court website, or (D) a legal service organization located in Indiana that is eligible for fee waiver under I.C. 33-37-3-2(b); or (ii) made an in-kind

contribution of tangible property fairly valued at \$ _____ to one or more of the foregoing qualifying legal service organizations or local pro bono districts.

(4) Exempt Persons. An attorney is exempt from reporting under this Rule who is exempt from the provision of pro bono legal services because he or she (i) is currently serving as a member of the judiciary or judicial staff, (ii) is a government lawyer prohibited by statute, rule, regulation, or agency policy from providing legal services outside his or her employment, (iii) is retired from the practice of law, or (iv) maintains inactive standing with the Clerk of the Indiana Supreme Court.

(b) Reporting Required. By requiring the affirmative reporting of pro bono legal services provided directly to an individual of limited means, this Rule 6.7 requires reporting only for a subset of the public interest legal service encouraged under Rule 6.1.

(c) Public Disclosure of Information Received. Information received pursuant to this Rule is declared confidential and shall not be publicly disclosed by the Indiana Supreme Court or any of its agencies, on an individual or firm-wide basis.