



## SUPREME COURT OF GEORGIA

Atlanta December 2, 2009

The Honorable Supreme Court met pursuant to adjournment.  
The following order was passed:

It is ordered that effective December 2, 2009, the Rules of the Supreme Court of the State of Georgia be amended by adding new Part XX, Extended Public Service Program, Rules 114-120, as follows:

### **XX. EXTENDED PUBLIC SERVICE PROGRAM**

**Rule 114.** An attorney who is a member in good standing of the bar of another state, territory or district (hereafter referred to as an “out-of-state attorney”) who is employed by, associated with, or serving as a volunteer pro bono attorney with the Attorney General, a district attorney, a solicitor-general of a state court, a solicitor of a municipal court, a public defender, or a licensed practicing attorney who works or volunteers for a court or for a not-for-profit organization which provides free legal representation to indigent persons or children may assist in proceedings within this state as if admitted and licensed to practice law in this state provided that such attorney complies with the provisions of Rules 114 through 120.

**Rule 115.** All pleadings and other entries of record must also be signed by the Attorney General, a district attorney, solicitor-general, solicitor, public defender, or duly appointed assistant attorney general, assistant district attorney, assistant solicitor-general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 114. In the conduct of any grand jury investigation, administrative proceeding, hearing, trial, or other proceeding, such Attorney General, district attorney, solicitor-general, solicitor, public defender, or duly appointed assistant district attorney, assistant solicitor-general, assistant solicitor, assistant public defender, or licensed practicing attorney as described in Rule 114, must be physically present.

An out-of-state attorney authorized to practice under this Part shall not use the title of any public officer or employee of this state or use any designation that implies that such attorney is admitted to practice as an attorney in this state.

**Rule 116.** A petition for permission for an out-of-state attorney to assist in proceedings under this Part shall be filed by the Attorney General, a district attorney, solicitor general, solicitor, public defender, the chief legal officer of a not-for-profit

organization which provides free legal representation to indigent persons or children, or a licensed practicing attorney who works or volunteers to provide free legal representation to indigent persons or children with the Clerk of the Supreme Court, setting out the attorney's name, address, the name of the law school from which he or she graduated, and the name of each jurisdiction in which such attorney has been admitted to the practice of law. Such petition shall include:

(1) A certificate of any court of last resort in each such jurisdiction certifying that the out-of-state attorney is a member in good standing of the bar of such jurisdiction;

(2) A certificate from the disciplinary authority of each jurisdiction of admission which states that the out-of-state attorney has not been suspended, disbarred or disciplined and that no charges of professional misconduct are pending; and

(3) An affidavit by the out-of-state attorney that he or she has not within the previous five years been found to have provided ineffective assistance of counsel or personally to have committed prosecutorial misconduct by a court of law in any jurisdiction in which such attorney is admitted to practice or have been found by a court of law to have committed professional malpractice in any civil action.

If the out-of state attorney has applied to take the Georgia Bar Examination, the petition shall set forth the date application was made and the anticipated date of the examination and shall be accompanied, if available, by evidence of certification of fitness to practice law from the Board to Determine Fitness of Bar Applicants issued under Part A, Section 11 of the Rules Governing Admission to the Practice of Law. If not available, the status of the out-of-state attorney's fitness application in Georgia or any other state, if any, shall be set out in the petition. An out-of-state attorney who has been denied or tentatively denied certification of fitness to practice law in Georgia, or any other state or whose certification of fitness has been suspended, shall not be eligible to practice under this Rule.

**Rule 117.** Upon receiving and examining the petition of the out-of-state attorney, the Court shall register the out-of -state attorney as eligible to practice under these Rules. Permission to practice under these Rules shall be valid for a period not to exceed 18 months.

Permission to practice under this Rule shall terminate if:

(1) The out-of-state attorney ceases to be employed by, associated with, or serve as a volunteer pro bono attorney with the official or attorney who filed the petition. It shall be the duty of such official or attorney to notify the Clerk of this Court, in writing, that the out-of-state attorney is not so employed, associated, or serving;

(2) The out-of-state attorney is admitted to the practice of law in this state;

(3) The out-of-state attorney fails the Georgia Bar Examination;

(4) The out-of-state attorney's certification of fitness is suspended by the Board to Determine Fitness of Bar Applicants of the Supreme Court of Georgia or by the Bar Admissions authority of any other state;

(5) The out-of-state attorney is suspended or disbarred for disciplinary reasons in any jurisdiction in which such attorney is admitted to practice.

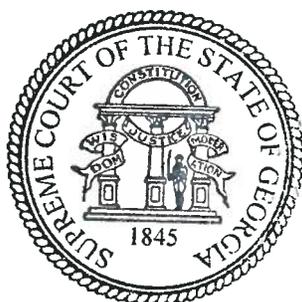
The Court shall issue a certificate to the out-of-state attorney setting out the petitioner's status as an out-of-state attorney and the duration of his or her eligibility to practice under these Rules.

**Rule 118.** The out-of-state attorney shall present such certificate to the judge of the trial court where the out-of-state attorney will assist in proceedings. The judge shall enter an order setting forth the form and manner in which the out-of-state attorney is authorized to participate in proceedings. Before entering such order authorizing an out-of-state attorney to assist in proceedings pursuant to these Rules, the judge shall require the out-of-state attorney to take the oath prescribed by Part B, Section 16 of the Rules Governing Admission to the Practice of Law. If the out-of-state attorney will be assisting the Attorney General, a district attorney, solicitor-general, solicitor, or public defender, the judge shall further require of the out-of-state attorney an oath similar to the oath required by an attorney employed by such public official.

A copy of this Court's certificate, the oath or oaths, and the judge's order authorizing an out-of-state attorney to assist in proceedings pursuant to these Rules shall be kept on file in the office of the clerk of the court where such authority is to be exercised. If the out-of-state attorney is authorized to assist in more than one court within a judicial circuit, a certified copy of the Court's certificate, the oath or oaths, and the judge's order shall be filed with each clerk of court.

**Rule 119.** All out-of-state attorneys permitted to practice under this Rule shall be subject to the jurisdiction of the Court for disciplinary purposes to the same extent as all other lawyers licensed to practice law in this state.

**Rule 120.** A licensed practicing attorney as described in Rule 114, who is supervising out-of-state attorneys under this Part, shall ensure that at all times the out-of-state attorney is covered by an adequate amount of malpractice insurance.



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Thrice J. Barnes*, Clerk