

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR MARTIN, ST LUCIE, INDIAN RIVER AND  
OKEECHOBEE COUNTIES, STATE OF FLORIDA

ADMINISTRATIVE ORDER  
NO.: 2017-02  
(Supersedes Administrative Order 96-2)

**RE: PRO BONO SERVICES**

In 1990, the Florida Supreme Court held that “every lawyer of this state who is a member of The Florida Bar has an obligation to represent the poor when called upon by the courts and that each lawyer has agreed to that commitment when admitted to practice law in this state.” *In Re: Amendments to Rules Regulating The Florida Bar – 1-3.1(a) and Rules of Judicial Administration – 2.065 (Legal Aid)*, 573 So.2d 800, 806 (Fla. 1990). Three years later, the Florida Supreme Court promulgated Rule 4-6.5(c) of the Rules Regulating The Florida Bar providing for the establishment of a pro bono committee in each judicial circuit. *In Re: Amendments to Rules Regulating The Florida Bar – 1-3.1(a) and Rules of Judicial Administration – 2.065 (Legal Aid)*, 630 So.2d 501 (Fla. 1993). Since 1996, the Nineteenth Judicial Circuit Pro Bono Committee has adopted and implemented its comprehensive pro bono plan with the assistance of the many bar committees, divisions, and sections and independent legal organizations.

**WHEREAS**, the Chief Judge of each judicial circuit is mandated to appoint and convene a circuit pro bono committee to implement a circuit’s pro bono plan;

**NOW THEREFORE**, pursuant to the authority conferred to the chief judge under article V, section 2(d), Florida Constitution; section 43.26, Florida Statutes; and Florida Rule of Judicial Administration 2.215, it is therefore **ORDERED**:

**1. Pro Bono Committee**

The Nineteenth Judicial Circuit Pro Bono Committee (“Committee”) will continue to provide oversight and direction of *pro bono* legal services for the indigent in Martin, St. Lucie, Indian River and Okeechobee Counties.

**2. Composition of Pro Bono Committee**

The Committee shall, to the extent feasible, provide for the following to be members of the committee:

- A. The Chief Judge of the Nineteenth Judicial Circuit or the Chief Judge’s designee;
- B. The President or President’s designee of the Indian River County Bar Association;
- C. The President or President’s designee of the Martin County Bar Association;
- D. The President or President’s designee of the Okeechobee County Bar Association;

- E. The President or President’s designee of the Port St. Lucie Bar Association;
- E. The President or President’s designee of the St. Lucie County Bar Association;
- F. The President or President’s designee of the Florida Association for Women Lawyers (FAWL);
- G. The President or President’s Designee for each local Bar Associations Young Lawyers Division;
- H. One representative from each pro bono and legal assistance provider in the circuit whose organization is not otherwise represented on the Committee, including, but not limited to:
  - i. Florida Rural Legal Services, Inc.; and
  - ii. The Martin County Legal Aid Society;
- I. To the extent a designated Bar Association has developed and implemented Section Chairs, the head of such section or such section head’s designee;
- J. An attorney designee of the Nineteenth Judicial Circuit Guardian Ad Litem program;
- K. One sitting member of the Federal Court judiciary assigned to the Nineteenth Judicial Circuit;
- L. Each County Attorney within the Nineteenth Judicial Circuit, or such attorney’s designee;
- M. A minimum of three (3) public members as selected by a majority of the stated committee members herein; and
- N. At least one client-eligible member.

**4. Administrator**

The Administrator of the Nineteenth Judicial Circuit Pro Bono Plan (“Administrator”) shall be Florida Rural Legal Services, Inc. The administrator agrees to provide, at a minimum, the following for qualified legal aid recipients: intake and referral of clients; malpractice insurance and reimbursement of litigation costs; quality control procedures; training and staff support for participating lawyers; and any other assistance as requested by this Circuit’s Pro Bono Committee to implement the Pro Bono Plan. The Committee has the authority to maintain or replace the Administrator. The Committee is responsible for assisting the Administrator in providing legal representation or assistance to the indigent in accordance with the rules adopted by the Florida Supreme Court.

**5. Annual Report**

The Administrator will submit an annual report to the Committee which includes an assessment of attorney participation in the *pro bono* program during the preceding year and a plan for carrying out the *pro bono* program in the coming year.

**6. Committee Responsibilities**

In meeting its responsibilities under Rule 4-6.5(c)(2) of the Rules Regulating The Florida Bar, the Committee will meet periodically during the year to consider and review the Administrator's work, to oversee and allocate any funding, and to make recommendations on the community's needs, the possible resources available to meet those needs, and its long-term plan to fulfill the legal profession's obligation to its community. The Committee will submit an annual report to The Florida Bar Standing Committee on Pro Bono Legal Services.

**7. Previous Administrative Order Superseded**

This administrative order supersedes Administrative Order 96-2 relating to Pro Bono legal services.

**8. Effective Date**

This administrative order is effective immediately.

DONE AND ORDERED in Stuart, Martin County, Florida, on this 9th day of January, 2017.



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ELIZABETH A. METZGER  
Chief Judge

Copies to:

- All Judges in the 19<sup>th</sup> Judicial Circuit
- All Federal Judges and Magistrates in the Southern District of Florida
- All Clerks of Court in the 19<sup>th</sup> Judicial Circuit
- All Law Libraries in the 19<sup>th</sup> Judicial Circuit
- All Bar Associations in the 19<sup>th</sup> Judicial Circuit
- All County Attorney's in the 19<sup>th</sup> Judicial Circuit
- 19<sup>th</sup> Judicial Circuit Guardian Ad Litem Program
- F.A.W.L., 19<sup>th</sup> Judicial Circuit
- Florida Rural Legal Services
- Martin County Legal Aid Society

## ***NINETEENTH JUDICIAL CIRCUIT PRO BONO PLAN***

- I. **Introduction:** The Nineteenth Judicial Circuit Pro Bono Committee (the “Committee”) is tasked with designing and implementing a Pro Bono Plan (the “Plan”) in association with Administrative Order 2017-02. The intent of this Plan is to provide guidance and framework for the Nineteenth Judicial Circuit Pro Bono Committee (the “Committee”) pursuant to 4-6.5(c) of the Rules Regulating the Florida Bar. The Plan aims to fulfill the pro bono legal needs of the Nineteenth Judicial Circuit (the “Circuit”) and enable the lawyers of the Circuit to easily fulfill their ethical obligations as set forth in Rule 4-6 of the Rules Regulating the Florida Bar, and to comply with the Florida Supreme Court’s order establishing judicial circuit pro bono committees. *In Re Amendments to Rules Regulating The Florida Bar – 1-3.1(a) and Rules of Judicial Administration – 2.065 (Legal Aid)*, 630 So.2d 501(Fla. 1993). The State Pro Bono Plan and its definitions are incorporated by reference herein. The Rules referred to herein are the Rules Regulating The Florida Bar. The term “pro bono legal services” is not limited to the actual in-court handling of a case. It also includes, but is not limited to: services for or on behalf of the guardian ad litem; community legal education to eligible client groups; participating in client intake and conducting interviews of eligible clients; participating in pro se clinics, mentoring or assisting other attorneys in pro bono matters; and presenting legal seminars designed to train attorneys and staff as to handle pro bono cases.
  
- II. **Purposes:** The Plan’s purposes are to: (1) assure the continuation of existing Supreme Court approved pro bono opportunities within the Circuit; (2) increase the availability of legal services to the poor and indigent by recruiting pro bono volunteers and supporting pro bono programs within the Circuit; (3) increase the variety of pro bono opportunities available to lawyers to provide pro bono legal services to the poor and indigent; (4) improve the support offered to lawyers who provide pro bono legal services to the poor and indigent; (5) foster collaborative relationships among the Courts, pro bono attorneys and organizations providing pro bono services; and (6) recognize the pro bono efforts of attorneys, staff, organizations other individuals instrumental in achieving the goals of the Plan.
  
- III. **Committee Makeup:**
  - A. The Chief Judge of the Circuit shall designate the composition of the Committee, which shall consist of individuals and representatives of organizations which shall be specified within the Administrative Orders of the Chief Judge. Pursuant to such Administrative Orders, the composition of the Committee may be revised from time to time. As of the Effective Date of this Plan, Administrative Order 2017-02 is the most recent Administrative Order addressing the Committee. Administrative Order 2017-02 lists the members of the Committee as of the Effective Date of the Order and is attached as Exhibit A hereto and is incorporated by this reference. If new Administrative Orders are issued with respect to the Committee, each such order shall replace the prior order and shall be substituted as Exhibit A.

B. The selection of the client member of the Committee shall be made with the advice of community service providers.

C. The Chief Judge or the Chief Judge's Designee shall appoint the Chair and Vice-Chair/Chair-Elect of the Committee, each whom shall serve two-years terms. Upon completion of the term as Chair, the Chair shall serve an additional one-year term as Immediate Past Chair.

D. The Chair of the Committee may appoint coordinators or sub-committee chairs to address certain needs of the Committee.

E. Replacement and succession members of the Committee shall be appointed by the Chief Judge or the Chief Judge's designee, upon nomination by the association, the provider organization, or the Committee, as the case may be, as deemed appropriate or necessary to ensure an active Committee.

IV. **Functions of the Committee:** The Committee will work to meet the pro bono needs of the Circuit by; (1) recruiting pro bono volunteers to increase the level of legal services available to the poor and indigent within the Circuit; (2) mobilizing community support for pro bono services; (3) fostering collaborative relationships to promote pro bono services within the Circuit; (4) soliciting input regarding pro bono needs from the community at large and from organizations that serve the poor and indigent; (5) recognizing attorneys, staff, organizations other individuals instrumental in achieving the goals of the Plan. The Committee will perform all of the reporting functions set forth in the Rules.

V. **Needs Assessment and Monitoring by the Committee:** The Committee is responsible for assessing the civil legal needs of the poor and indigent within the Circuit, for establishing case-acceptance priorities, and for monitoring the needs of pro bono service organizations in the Circuit. The priorities shall be in writing. The Committee shall monitor and evaluate the activities, results and costs of the Plan. The Committee will have policy-making authority, and will conduct regular reviews of the Plan's substantive, administrative and financial performance. The Committee will also recommend the new pro bono opportunities, which can be implemented as resources allow. In assessing needs and setting priorities, the Committee shall consider all services and programs currently in place to meet the civil legal needs of the poor. The goal is to avoid duplication of programs. The Committee shall maintain an active and updated list of organizations in the Circuit which provide such legal services. If resources permit, the Committee may direct that a Client Needs Survey be conducted.

VI. **Administrator:** The Committee shall appoint or create a legally qualified entity (the "Administrator") to administer the Plan. The Committee shall have the authority to maintain or replace the Administrator. The Committee is responsible for assisting the Administrator in providing legal representation or assistance to the indigent in accordance with the rules adopted by the Florida Supreme Court. The Administrator has been and continues to be Florida Rural Legal Services, Inc., ("FRLS"). The functions of the Administrator will include, but not limited to, the following:

- Screening and scheduling potential clients. Additionally, FRLS shall maintain a separate Conflicts Department to evaluate applicants for conflicts of interest both internally and for out-bound referrals to attorneys and firms willing to assist a client in need with representation.

- Conduct client intake and evaluate potential cases. Require on-site staff supervision, support service and office space.
- Refer cases to volunteer lawyers and provide support, including costs of litigation.
- Provide professional legal malpractice and liability coverage. This coverage is secondary for those already insured, and is primary for those not otherwise covered.
- Provide substantive legal training and support, including Computer Assisted Legal Research to internal and external attorneys, staff, and committee members.
- Implement additional pro bono opportunities as directed by the Committee and as funding permits.
- Maintain quality control measures, including accounting for all funds received by the program.
- Provide support to all lawyers serving eligible clients on a pro bono basis outside of any organized pro bono program, as resources permit.

VII. **Annual Report:** The Committee shall submit to The Florida Bar Standing Committee on Pro Bono Legal Services, the annual report described in Rule 4-6.5(c)(2). The Administrator, on behalf of the Committee, will submit the annual report after conducting an assessment of attorney pro bono participation during the preceding year and such annual report shall include a plan for carrying out the pro bono plan in the coming year.

VIII. **Meetings:** The Committee shall meet at least quarterly to consider and review the Plan, to monitor the success of the Plan, to oversee and allocate funding, and to make recommendations on the community's needs, the possible resources available to meet those needs, and a long-term plan to fulfill the legal profession's obligation to its community. Officers, coordinators and/or sub-committee heads, may meet more frequently as needed to assist the Committee in fulfilling its responsibilities.

IX. **Training:** The Committee will sponsor training events to prepare attorneys to handle cases outside their areas of expertise. Experienced judges and attorneys will have the opportunity to teach at seminars since it may be necessary to train attorneys to handle cases outside of their areas of expertise. The Committee will coordinate with FRLS and other organizations with respect to joint Continuing Legal Education related to pro bono and volunteer topics. The Committee may form a training coordination group within the membership of the Committee.

X. **Recognition of Pro Bono Efforts:** The Committee will publicly recognize the pro bono services of lawyers, staff, organizations and/or other individuals who assist in the development, implementation and continuation of the Plan. Each year, the Committee shall organize and host an awards ceremony, including both state and federal judges, to recognize attorneys, including state and federal practitioners, who have provided a significant number or hours of pro bono service within the Circuit, and to present awards

for outstanding pro bono efforts including, but not limited to: (1) Outstanding Pro Bono Service by an Organization; (2) Outstanding Pro Bono Service by a Law Firm; (3) Outstanding Pro Bono Services by a Lawyer; (4) Outstanding Pro Bono Service by a Young Lawyer; (5) Outstanding Pro Bono Service by a Staff Member and (5) Outstanding Pro Bono Service by an Individual.

# EXHIBIT A

## Administrative Order of Chief Judge