

Order

Michigan Supreme Court
Lansing, Michigan

January 29, 2025

Elizabeth T. Clement,
Chief Justice

ADM File No. 2023-22

Brian K. Zahra
Richard H. Bernstein
Megan K. Cavanagh
Elizabeth M. Welch
Kyra H. Bolden
Kimberly A. Thomas,
Justices

Proposed Amendment of Rule
6.1 of the Michigan Rules of
Professional Conduct

On order of the Court, this is to advise that the Court is considering an amendment of Rule 6.1 of the Michigan Rules of Professional Conduct. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter will also be considered at a public hearing. The notices and agendas for each public hearing are posted on the [Public Administrative Hearings](#) page.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 6.1. Pro Bono Publicæ Service.

A lawyer should render public interest legal service. A lawyer may discharge this responsibility by annually:

- (a) providing legal representation without charge to a minimum of three low-income individuals;
- (b) providing at least 50 hours of legal representation or other services at no fee or at a substantially reduced fee to low-income individuals or to organizations that provide direct services to low-income individuals;
- (c) participating in at least 50 hours of unpaid activities for improving the law, the legal system, or the legal profession; or
- (d) contributing \$300 or more to non-profit programs organized for the purpose of delivering civil legal services to low-income individuals or organizations. Lawyers whose income allows a higher contribution should contribute more than \$500.

~~providing professional services at no fee or a reduced fee to persons of limited means, or to public service or charitable groups or organizations. A lawyer may also discharge this responsibility by service in activities for improving the law, the legal system, or the legal profession, and by financial support for organizations that provide legal services to persons of limited means.~~

Comment:

The ABA House of Delegates has formally acknowledged “the basic responsibility of each lawyer engaged in the practice of law to provide public interest legal services” without fee, or at a substantially reduced fee, in one or more of the following areas: poverty law, civil rights law, public rights law, charitable organization representation and the administration of justice. This rule expresses that policy, but is not intended to be enforced through the disciplinary process.

The rights and responsibilities of individuals and organizations in the United States are increasingly defined in legal terms. As a consequence, legal assistance in coping with the web of statutes, rules and regulations is imperative for persons of modest and limited means, as well as for the relatively well-to-do.

The basic responsibility for providing legal services for those unable to pay ultimately rests upon the individual lawyer, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer. Every lawyer, regardless of professional prominence or professional workload, should find time to participate in or otherwise support the provision of legal services to the disadvantaged. The provision of free legal services to those unable to pay reasonable fees continues to be an obligation of each lawyer as well as the profession generally, but the efforts of individual lawyers are often not enough to meet the need. Thus, it has been necessary for the profession and government to institute additional programs to provide legal services. Accordingly, legal aid offices, lawyer referral services and other related programs have been developed, and others will be developed by the profession and government. Every lawyer should support all proper efforts to meet this need for legal services.

Paragraphs (b) and (c) recognize that some lawyers may not be able to provide direct client representation and therefore allow alternative methods of service such as becoming a member of a local pro bono committee; serving on a board of directors of a legal aid or legal services program; training other lawyers through a structured program; engaging in community legal education programs; advising organizations that provide direct services to low-income individuals; serving on bar association committees; taking part in Law Day activities; acting as a continuing legal education instructor, mediator, or arbitrator; assisting law students in moot court, mock trial, or other practical law school activities; or engaging in other activities to improve the law, the legal system, or the profession.

Each year, the State Bar’s Committee on Pro Bono Involvement will publish a list of eligible programs to which a lawyer may financially contribute as contemplated in paragraph (d).

A lawyer may provide a combination of representation, services, activities, and financial contributions when fulfilling the responsibility to engage in pro bono efforts under this rule.

Staff Comment (ADM File No. 2023-22): The proposed amendment of MRPC 6.1 would clarify and expand the scope of pro bono service.

The staff comment is not an authoritative construction by the Court. In addition, adoption of a new rule or amendment in no way reflects a substantive determination by this Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be submitted by May 1, 2025 by clicking on the “Comment on this Proposal” link under this proposal on the [Court’s Proposed & Adopted Orders on Administrative Matters](#) page. You may also submit a comment in writing at P.O. Box 30052, Lansing, MI 48909 or via email at ADMcomment@courts.mi.gov. When submitting a comment, please refer to ADM File No. 2023-22. Your comments and the comments of others will be posted under the chapter affected by this proposal.



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 29, 2025

Handwritten signature of Larry S. Royster in black ink.

Clerk