

## Pro Bono Service by Magistrates, Prosecutors, Public Defenders, and Others Now Allowed

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Sometimes it seems lawyers have a Latin phrase for everything: Self-represented litigants? They're *pro se*. The thing speaks for itself? *Res ipsa loquitur*. Volunteer legal work? That's *pro bono* to us.

While attorneys have had an English word and Latin phrase to *describe* this last category, many public attorneys in North Carolina have historically had no mechanism for *actually doing it*. That's because, until last July, [G.S. 84-2](#) prohibited district attorneys, public defenders, and others from "engag[ing] in the private practice of law." A person practices law when he or she provides legal services for another, regardless of whether the person is compensated for the work. See [G.S. 84-2.1](#).

Recent amendments to G.S. 84-2, however, allow some public attorneys who were previously disqualified to carry out certain types of pro bono legal work.

**G.S. 84-2, as amended by Section 26 of [S.L. 2017-158 \(NCAOC Omnibus Bill\)](#).** G.S. 84-2 continues to generally prohibit the following persons from engaging in the private practice of law:

- Justices;
- Judges;
- Magistrates;
- Full-time district attorneys and full-time assistant district attorneys;
- Full-time public defenders and full-time assistant public defenders;
- Clerks, deputy clerks, and assistant clerks;
- Registers of deeds, deputy registers of deeds, and assistant registers of deeds; and
- Sheriffs and deputy sheriffs.

A violation of G.S. 84-2 remains a Class 3 misdemeanor punishable by a fine of not less than \$200.

The statute now provides, however, that the private practice of law does **not** include the performance of pro bono legal services by (1) a lawyer; (2) other than a justice or judge; (3) if the pro bono services are sponsored or organized by (a) a professional association of lawyers, or (b) a non-profit corporation rendering legal services. The amendments were effective July 21, 2017.

These new provisions enable previously disqualified public lawyers to volunteer their legal services at events such as annual [call centers sponsored by the North Carolina Bar Association](#) or perhaps at expunction clinics like those recently held in [Raleigh](#) and [Charlotte](#), so long as the services are sponsored or organized by a qualified group.

Are you a public attorney who was previously disqualified who now wishes to volunteer legal services? If so, please send in a comment to tell us how you plan to donate your time to help others.