

IN THE SUPREME COURT OF ARKANSAS

THE ARKANSAS BAR ASSOCIATION
PETITIONERS

SERVED
CV-16-187

NO. _____

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PETITION TO AMEND RULES 1.2, 4.2, AND 4.3 OF THE
ARKANSAS RULES OF PROFESSIONAL CONDUCT

The Arkansas Bar Association, its House of Delegates, and its Professional Ethics Committee petition the Court to make modifications to the Arkansas Rules of Professional Conduct (the “Ethics Rules”) to facilitate the ability of lawyers to engage in limited scope or “unbundled” legal representation, thereby increasing access to justice for Arkansas’s indigent and working poor. This Petition is filed pursuant to Amendment 28 of the Constitution of the State of Arkansas in an effort to assist the Court in exercising its authority and responsibility to regulate the practice of law. The proposed changes, which are attached as **Exhibit A**, are additions to Ethics Rules 1.2, 4.2, and 4.3 designed to provide more explicit guidance for attorneys who choose to provide limited scope legal services.

I. INTRODUCTION

Equal justice under law is the foundational ideal for the American legal system. Justice should be available to all Americans regardless of economic status. The reality, however, is that this ideal is largely unattainable for the tens of thousands of Arkansans involved in civil cases each year who cannot afford an attorney. These types of cases tend to be those where there is no financial incentive for an attorney to take the case beyond what a client may be able to pay. A 2011 study conducted by the Arkansas Access to Justice Commission in partnership with the Clinton School of Public Service indicated that as many as 95% of select civil cases have at least one unrepresented litigant. Most of those cases dealt with basic necessities of life: protection

