

## Court Weighs Easing of Ethics Rules to Promote Pro Bono in Bankruptcy

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The New Jersey Supreme Court is considering whether ethics strictures should be relaxed to facilitate appearances of volunteer lawyers for debtors in bankruptcy cases. A case argued Tuesday tests whether an attorney can ethically provide pro bono legal services to a debtor in a no-asset Chapter 7 bankruptcy even though the lawyer's firm represents a creditor of the debtor in an unrelated matter. Last year, the Advisory Committee on Professional Ethics said in a formal opinion, No. 17-2012, that while there was no direct conflict of interest, the lawyer must get consent from both sides. Now groups promoting legal services—Volunteer Lawyers for Justice, the New Jersey State Bar Association and the Pro Bono Institute—want that opinion abrogated, saying that requiring waivers will chill volunteer efforts. Susan Feeney of Newark's McCarter & English, representing the State Bar, said the VLJ program is vital to the goal of increasing pro bono work statewide. Chief Justice Stuart Rabner asked what would be wrong with getting written waivers from both sides. Feeney said requiring waivers could lead lawyers to become more concerned about their relationships with paying clients and "give everyone an excuse" to not participate. "You'll have partners who don't like pro bono and businesses who just want to say no," she said.