
Chapter 8: Pro Bono Legal Services

Written by the ABA Standing Committee on Pro Bono and Public Service

When society confers the privilege to practice law on an individual, he or she accepts the responsibility to promote justice and to make justice equally accessible to all people. Thus, all lawyers should render some legal services without fee or expectation of fee for the good of the public (pro bono publico). Prospective students should be mindful of this responsibility when considering law as a career. The *ABA Standards and Rules of Procedure for Approval of Law Schools* require schools to provide substantial opportunities for students to participate in pro bono activities. Many schools offer a range of curricular and noncurricular pro bono opportunities and provide career-related public interest law resources, funding, and support. When choosing a law school, it is important to evaluate the law school's public interest and pro bono programs and curricula to find the law school that best matches the student's career-related goals and interests.

What Is Pro Bono?

The term "pro bono" comes from the Latin pro bono publico, which means "for the public good." The American Bar Association has described the parameters of pro bono for practicing lawyers in the *Model Rules of Professional Conduct*. Nearly every state has an ethical rule that calls upon lawyers to render pro bono services. For those states in which the *ABA Model Rules of Professional Conduct* have been adopted in whole or part, the pro bono responsibility is usually defined in *Rule 6.1. Model Rule 6.1*, the full text of which is located below, states that lawyers should aspire to render—without fee—at least 50 hours of pro bono publico legal services per year, with an emphasis that these services be provided to people of limited means or nonprofit organizations that serve the poor. The rule recognizes that only lawyers have the special skills and knowledge needed to secure access to justice for low-income people, whose enormous unmet legal needs are well documented.

In the law school setting, pro bono generally refers to student provision of voluntary, law-related services to people of limited means or to community-based nonprofit organizations, for which the student does not receive academic credit or pay. Law students who do pro bono work accomplish more than satisfying much-needed legal needs. They also enhance their career development and make themselves more attractive to potential employers.

Pro Bono Opportunities in Law School

Some schools have formal pro bono programs, staffed by professionals who help match students with outside organizations that do pro bono work. Other schools provide administrative support for student groups engaged in pro bono work while others lack an organized school-wide program, but rely on student groups to form and run projects.

Typically, the opportunities cover a wide range of legal needs, such as family law, children's issues, consumer fraud, AIDS-related problems, housing, immigration, taxation, environmental law, criminal defense, elder law, and death penalty appeals. At least 36 law schools require students to engage in pro bono or public service as a condition of graduation. These schools may require a specific number of hours of pro bono legal service as a condition of graduation (e.g. 20–75 hours) or they may require a combination of pro bono legal service, clinical work, and community-based volunteer work. Law schools with voluntary rather than mandatory pro bono service policies encourage students to assist lawyers and legal aid organizations by offering incentives, such as awards at graduation or special notations on law school transcripts, or by making pro bono an important part of a school's culture.

Many law schools make financial assistance available to students participating in pro bono activities through summer and school-year fellowships or stipends. Some law schools offer loan repayment assistance through loan forgiveness, lower interest rates, or postponed payment of law school loans incurred by law graduates entering public interest employment. To be eligible for assistance, law students must earn income below a specified salary cap and usually must be employed by a nonprofit organization, a local, state or federal government, or a law-related public interest organization. A few schools offer postgraduate awards to law students who accept public interest positions upon graduation, and some outside fellowships are available.

Benefits of Pro Bono Programs in Law School

Pro bono programs help students develop professionalism and an understanding of a lawyer's responsibility to the community. Participation facilitates student involvement in the community and increases the availability of legal services to needy populations. Students benefit by being able to connect the legal theory learned in their classes with the practical legal issues faced by low-income individuals. They also gain valuable experience and legal skills that can enhance their career development and marketability.

Support for Pro Bono and Public Service in Law School

A number of organizations support pro bono and public service in law school, including the ABA Center for Pro Bono (www.abaprobono.org), the Public Service Law Network Worldwide (www.pslawnet.org), Equal Justice Works (www.equaljusticeworks.org) the Association of American Law Schools (www.aals.org/probono/index.html), and the National Association for Law Placement (www.nalp.org/publicservice/index.php).

For a complete list of law school pro bono-related resources, see the ABA Center for Pro Bono website at www.abanet.org/legalservices/probono/lawschools.shtml.

ABA Model Rules of Professional Conduct Rule 6.1 Voluntary Pro Bono Publico Service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
 - (1) persons of limited means or
 - (2) charitable, religious, civic, community, governmental, and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and
- (b) provide any additional services through:
 - (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations

seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental, and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

- (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
- (3) participation in activities for improving the law, the legal system or the legal profession.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.