

BUILDING AND SUSTAINING A SUCCESSFUL LAW SCHOOL PRO BONO PROGRAM

BY MELANIE KUSHNIR

Over the last two decades there has been unprecedented growth in the number of law school pro bono programs.

The benefits are numerous: they provide a much-needed legal service to the community, provide students with hands-on opportunities to develop legal skills, and instill a sense of professional responsibility early in students' careers. Pro bono programs can also enhance a law school's ties with and reputation in the community and can assist a law school in recruiting prospective students.

In February 2005, the ABA signaled the importance of institutionalizing pro bono within the law school setting by amending its law school accreditation standards to require all ABA-approved law schools to offer "substantial opportunities for student participation in pro bono activities." (ABA Standards for Approval of Law Schools, 2005-2006 at 19, <http://www.abanet.org/legaled/standards/standards.html>. A new interpretation of this Standard will be presented to the ABA House of Delegates' February 2007 meeting.)

Subsequently, in August 2006, the ABA House of Delegates adopted Resolution 121 B, which urges law schools to require legal employers that recruit on campus to make available to the school's students specific information regarding the employer's pro bono policies, practices, and activities. In addition, the resolution urges law schools to make available their own policies and practices to enable and encourage pro bono work by members of the law school community. (ABA House of Delegates Report No. 121B – Law School Support and Promotion of Pro Bono. To view full text and

report, see <http://www.abanet.org/renaissance/downloads/121B.pdf>.)

Given the focus on law school pro bono, it is not surprising that data recently compiled by Equal Justice Works and the ABA Center for Pro Bono indicate that of 194 ABA-approved law schools approximately 104 have formal voluntary pro bono programs, and another 33 condition graduation on the completion of a pro bono and/or public service requirement. Several schools that do not now have formal pro bono programs are currently working out the details of formal, institutionally supported pro bono programs. Still others are seeking new ideas to expand their offerings, create new partnerships, and fine tune their operations.

So, what is needed to get a formal pro bono program up and running? What different models exist? What should count as pro bono? How can administrators identify appropriate placements and ensure quality supervision? How can student involvement be maximized? This article will address these questions facing law schools as they institute plans to develop and/or improve their programs.

CHOOSING A MODEL

At the outset, schools need to examine their current pro bono projects and all other measures they take to encourage public service by students. After surveying a school's current pro bono activities, the school will need to decide its goals for the program, including whether participation should be mandatory or voluntary, how best to structure the program, and the possibilities for projects available in the

nearby area. The kinds of programs that will seem appropriate for each school will differ greatly, depending particularly on the size of the city in which the school is located, the socio-economic conditions in the area, the financial resources available for programs, and the interests of students and faculty.

For descriptions of various models of law school pro bono programs, see the *Directory of Law School Public Interest and Pro Bono Programs*, www.abaprobono.org/lawschools, or the *E-Guide to Public Service at American Law Schools*, www.ejw.newsweek.com.

ESTABLISHING AN IDENTITY AND LOCATION

Many law school pro bono programs are located outside the administrative offices of the law school and exist either as a "stand-alone" program, within a public interest or service center, with the clinical or externship program, or with faculty. Other programs are located within an administrative office such as career services or, less frequently, student services.

If the program is housed within another entity, it is important for the program to be distinguished from the other entity. For example, if the pro bono program is housed within a larger public interest center or career services office, the law school should be careful to communicate that the pro bono program is not only for students desiring to go into public interest full-time but for all students.

In addition, the pro bono program should be located in a place that is convenient and accessible to all students. The office should have sufficient space, furnishings, and equipment for informal meetings, consultations, and team projects as well as for staff. This is especially important when establishing a new program because it provides strong evidence of support

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from the administration and confers credibility to the project.

ASSURING ADEQUATE STAFFING

The importance of establishing a full-time pro bono position to staff the program cannot be emphasized enough. Among the important tasks for a staff person are continuously identifying pro bono opportunities both in the law school and in the community; promoting pro bono opportunities to students; enticing faculty members to become involved in projects; matching interested students with appropriate placements; tracking hours to measure the program's success; and weeding out placements that haven't worked well. All of these responsibilities require significant networking, education, and outreach.

The pro bono position should be charged with assuring that students learn the value of pro bono service in the legal profession and with helping students develop their own areas of pro bono interest and involvement. The pro bono program director should be the face of pro bono for the students, as well as for the faculty, alumni, area law firms, and public interest organizations.

A successful program necessarily requires creativity, energy, and time to attract students and match them with rewarding placements. Simply maintaining a list of opportunities that students can pursue on their own will not work, no matter how rich or well advertised the list.

SIGNIFYING INSTITUTIONAL SUPPORT

In order for a pro bono program to be effective, it must be visible. Establishing a formal pro bono policy or goal that includes a definition of

pro bono is a strong expression of institutional support. Pro bono work in the law school setting is generally limited to law-related activities rendered on behalf of those unable to pay, without expectation of compensation or academic credit. Law schools differ on whether placements such as a district attorney's office, the criminal courts, judicial clerkships, or with political groups qualify. A school may want to follow the concept set out by ABA Model Rule 6.1 or their own state's code of professional responsibility. A well-publicized goal that clearly delineates the difference between "pro bono" and "public interest" will go a long way toward educating students about their professional responsibility and in motivating them to participate in a voluntary program.

In addition, the law school faculty and administration – particularly the dean – should stress at every appropriate opportunity the importance of engaging in pro bono. Some deans mention the pro bono program prominently in their greetings to each new first-year class. Participating faculty members can utilize appropriate class time to discuss their pro bono involvement and invite student participation. In addition, pro bono opportunities can be incorporated into the professional responsibility course, as an add-on to substantive public interest courses, or as an extension of clinical experiences.

When counseling students, career services staff can stress the professional development benefits of pro bono participation and can work with pro bono staff to identify opportunities that match students' career goals and interests. Career services staff can also require employers recruiting on-campus to provide students with information about their pro bono policies, practices, and activities.

The law school should also create a broad variety of materials to publicize the pro bono program, including a program website that is

both attractive and accessible from the school's homepage, publicity materials such as brochures and manuals describing the program, and news stories for various on- and off-campus publications documenting the depth of pro bono and public service being performed at the law school.

Institutional and formal recognition of service is another way in which law schools demonstrate support. Examples include hosting formal award ceremonies, placing a notation of accomplishment on the law school transcript, and recognizing pro bono volunteers at graduation with a special certificate signed by the dean.

OBTAINING FUNDING

Staffing a full-time position can be a substantial investment. For this reason, it is recommended that baseline funding for the pro bono program consist of money drawn from the law school's internal budget. This will create greater stability for the program and staff, as well as demonstrate the law school's dedication to the program as an ongoing concern.

At the same time, outside funds should be explored. Many law schools have tapped into a number of sources including alumni, especially those who have participated in the program; local and state bar associations and state IOLTA funds; law firms, particularly those that participate in the program and/or recruit heavily from the law school; local banks, utilities, and other businesses; and foundations. Other schools have found willing partners in the private bar to fund individual student groups or special expenses, such as dinners and awards. Some schools utilize students to assist in the running of the programs, usually with work-study money. Also, student group projects are sometimes eligible for grant money related to their subject area.

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RECRUITING AND RETAINING STUDENTS

In order for the pro bono program to effectively recruit students, it must utilize a range of recruiting techniques that appeal to a variety of motivations. Examples include pro bono fairs, brochures, listservs, web pages, fliers, mass e-mails, presentations to organizations, and one-on-one targeted recruiting. Targeting professors to promote special projects – such as a tax professor to encourage students to assist on a community income tax project – can also be effective.

A number of schools find it helpful to use student advisory boards to further recruit volunteers, locate new projects, identify outstanding service, and market opportunities to student organizations.

The range of opportunities should be as broad as possible and designed to meet the needs of students who are juggling class schedules and the demands of family time. The program should ensure there are opportunities for 1Ls, 2Ls, and 3Ls. It is important to consider the complexity of the subject matter, the length of time commitment, and the level of supervision. Online volunteering, such as performing research or placements with an alternative dispute resolution aspect, for example, may be particularly attractive to some students.

Many schools include non-legal volunteer efforts in their pro bono program. The majority of the opportunities should be of a legal nature but eliminating non-legal volunteering is short sighted. Often these are short-term, high impact, highly visible community projects that do not require extensive hours of training. They can also help students to understand the legal needs of people living in poor communities.

FINDING APPROPRIATE PLACEMENTS

In order to assure that all clients receive high-quality legal service, a pro bono program must locate and develop placements that are appropriate to the students' abilities and that provide the necessary supervision. To make this determination, it is important that the organization clearly define student volunteer responsibilities and duties. Knowing what the responsibilities will be permits the pro bono program to evaluate whether a volunteer must be eligible for the student practice rule or must have completed specific courses prior to volunteering, how much time a student will be asked to devote, and other factors that facilitate matching a student to an appropriate placement. Additionally, the organizations should work with the pro bono program to provide orientation and any necessary training for the students.

IMPLEMENTING QUALITY ASSURANCE AND TRACKING PRO BONO

It is also important for a pro bono program to develop internal systems for maintaining data regarding placements, project requests, student participation, and evaluation. Collecting this information is important for several reasons, including quality assurance, fundraising, recruitment, recognition, program improvement, public relations, and career placement.

There is wide variation in the ways law schools track this information. Methods range from basic forms to more advanced web-based management systems. Many schools have created a

questionnaire or form that seeks information about students' areas of interest. These may be developed jointly with career services staff and used for professional development counseling. Similarly, some schools have students sign a pledge of participation form. Prior to approving a placement, many pro bono programs utilize attorney and/or student-initiated project request forms and/or placement confirmation/commitment forms. Some schools have students and supervisors sign professional responsibility agreements addressing confidentiality and unauthorized practice of law issues. Also very common are forms to track student hours and evaluation forms for students and supervisors.

Of course the law school will need to confront two common challenges when tracking pro bono information: getting students to self-report data and acquiring the resources to track data. Often, the key to a successful student response is to offer an incentive through an expansive recognition program. Alternatively, some schools have relied on class representatives not only to recruit classmates but also to encourage reporting, with some schools even creating a competition among classes.

Additionally, creating an easily accessible and user-friendly system that enables students and organizations to access and complete some or all forms via the Internet increases the likelihood that students will participate in providing the information. ■

This article is intended to offer law school administrators guidance in their journey toward establishing and/or improving their pro bono programs. For further resources, information, and support, see the ABA Center for Pro Bono website at <http://www.abanet.org/legalservices/probono/lawschools.shtml>.

In addition, law school pro bono professionals are invited to attend the **Equal Justice Conference** on March 21-24 in Denver, Colorado. The conference includes a special half-day pre-conference program and conference workshops exclusively for law school pro bono advisors and coordinators. Sponsored by the ABA and the National Legal Aid & Defender Association, the conference will bring together all components of the legal community to discuss equal justice issues related to the delivery of legal services to the poor and low-income individuals in need of legal assistance. For further information, see www.equaljusticeconference.org.