

SYLLABUS

American Bar Association Section of Legal Education and Admissions to the Bar

Building and Sustaining an Effective Law School Pro Bono Program with a Baker's Dozen Tips

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Over the last two decades there has been unprecedented growth in the number of law school pro bono programs. One reason is that law schools recognize the enormous benefits generated by these programs. They provide a much-needed legal service to the community, provide students hands-on opportunities to develop legal skills and instill a sense of professional responsibility early in their careers. Pro bono programs can also enhance a law school's ties and reputation in the community and can assist the law school in recruiting prospective students.

Another catalyst for the growth is the ABA's support and encouragement of these programs. In the last three years, the ABA has taken several significant actions. In February 2005, the ABA signaled the importance of institutionalizing pro bono within the law school by amending its law school accreditation pro bono

Standard from an aspirational to a mandatory Standard (Standard 302(b)). As the Standard now requires, all ABA-approved law schools "shall offer substantial opportunities for student participation in pro bono activities."¹

In August 2007, the ABA provided further clarification of this Standard by adopting a formal interpretation that states "pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons; however, volunteer programs that involve meaningful services that are not law-related also may be included within the law school's overall program."²

Also, in August 2006, the ABA House of Delegates adopted Resolution 121B, which urges law schools to require legal employers that recruit on campus to make available to the school's

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Cost Reduction Act Awards Presentation

At the Association of American Law Schools (AALS) meeting in January, the Section of Legal Education and Admissions to the Bar and AALS honored the three members of Congress who were integral to the passage of the College Cost Reduction Act. Through the efforts of Sen. Edward Kennedy, Rep. George Miller and Rep. John Sarbanes, Congress passed the Act (Conference Report H.R. 110-317) on September 7, 2007, and the president signed it into law on September 27 (Public Law 110-84).

Rep. Sarbanes attended the awards presentation and is seen on page 10 with some of the Section and AALS members who actively advocated for the bill's passage: Philip Schrag, professor, Georgetown University Law Center; Nancy Rogers, dean, Ohio State University Moritz College

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PRO BONO PROGRAM

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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.³

With these and other motivating developments, many law schools are examining what is needed to get a formal pro bono program up and running. What are the different models? What should count as pro bono? How can administrators identify appropriate placements and ensure quality supervision? How can student involvement be maximized? This article describes the various models of law school pro bono and public service programs and offers key strategies and practical ideas for building and sustaining an effective program.

Models of Law School Volunteer Programs

Graduation Requirement Programs

According to data from the ABA's *Directory of Law School Pro Bono and Public Interest Programs*, thirty-five law schools have Graduation Requirement Programs that require students to engage in pro bono or public service as a condition of graduation.⁴ These mandatory programs are further classified based on the types of eligible service options. Approximately half of these schools are classified as "pro bono graduation requirement programs." They are considered "pro bono" because the students perform law-related services and receive neither academic credit nor pay. Of these schools, the hourly minimum requirements range from 20 to 70 hours.

Another four of these schools are classified as "Community Service Graduation Requirement Programs." They have similar criteria except they permit non-legal community service to count as well as legal work.⁵

Another thirteen of these schools are identified as "Public Service Graduation Requirement Programs." These schools require students to perform law-related public service but are flexible in the form of service, allowing service options to include pro bono placements, internships, externships, and courses bearing credit. Some of these programs require that the work occur only in for-credit clinics. And, a few schools count classes in poverty law or independent study.⁶

Formal Voluntary Pro Bono Programs

The second model identified in the *Directory* for classifying law school programs is the Formal Voluntary

Pro Bono Program. A significant majority of law school programs are characterized by this model. They also can be subcategorized into two types. The vast majority are characterized by having a referral system with a coordinator or group of coordinators. These coordinators or advisors are responsible for developing, promoting, and monitoring pro bono placements. Some of these coordinators provide individual counseling. Others maintain a list of opportunities and many offer administrative support.⁷

The remaining schools have an alternative voluntary approach, which provides administrative support for student-run organizations. These programs often work in partnership with outside groups. The support provided by the schools ranges from full-time staffing of a center to substantial administrative assistance in tracking hours volunteered.⁸

Independent Pro Bono Student Group Projects

A final group of schools, characterized in the *Directory* as "Independent Pro Bono Student Group Projects" lack an organized school-wide pro bono program but rely on students to form and run group projects. These group projects generally target a particular legal need or a particular segment of the population. Most groups work with a faculty supervisor and/or in collaboration with an outside organization.⁹

Establishing a Program: A Baker's Dozen Tips

1. Establish a Formal Policy That Includes a Definition of Pro Bono

At the outset, pro bono programs should establish a formal policy or written guideline that includes a definition of "pro bono." A written policy will help students determine which activities meet the law school's expectations and can be an important motivator for law students to participate in a voluntary program.

The law school should define what work it sanctions as "pro bono" and clearly delineate the differences between "pro bono," "public service," and "non-law-related community service." Most law schools define pro bono consistent with ABA Model Rule of Professional Conduct 6.1 and do not count credit-bearing, non-law-related, and/or compensated work. This is important because it teaches students about their future professional obligations and is responsive to the critical need for legal services to the poor.

In addition, law schools should adopt formal policies to encourage and support faculty members and administrative attorney staff to perform pro bono work. The Association of American Law School's

Commission on Pro Bono and Public Service Opportunities recommended such policies include the following six components: an annual expectation; universality beyond teaching and institutional service; institutional support similar to research support; autonomy; and annual reporting.¹⁰

2. Provide Institutional Support

In order for a pro bono program to be effective, it must also be fully integrated into the legal education. As David Hall, the former dean of Northeastern Law School, once said, "Pro bono and public service should not be marginal components of a law school's mission. They must be interwoven into the fabric of the curriculum, programs, and scholarship of the faculty, and become more central to the future vision of legal education institutions."¹¹

The law school faculty and administration—particularly the dean—should stress at every appropriate opportunity the importance of engaging in pro bono while in law school. As an example, some deans feature the pro bono program prominently in their greetings to each new first-year class.

Another more practical way to demonstrate institutional support for the law school pro bono program is to create a broad variety of materials to publicize the program. For example, the pro bono program can create a Web site that is both attractive and accessible from the school's home page; publicity materials such as brochures and manuals describing the law school's 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.

3. Assure Adequate Staffing & Support

An element crucial to the success of a law school pro bono program is adequate staffing and administrative support. Among the important tasks for a staff person are the following: continuously identifying pro bono opportunities both in the law school and in the community; promoting pro bono opportunities to students; encouraging faculty members to become involved in projects; administering logistics for recruitment, training and recognition events; matching interested students with appropriate placements; regularly meeting with students and student groups engaged in project development; tracking hours to measure the program's success; conducting meetings and site visits with organizational partners; and weeding out placements that have not worked well.

Naturally, all of these responsibilities require significant relationship building, education, and extensive communication by telephone and e-mail. A

successful program necessarily requires creativity, energy, and time to attract students and match them with rewarding placements.

4. Establish a Location and Identity

There are several locations within a law school where one might find a pro bono program. Many of these 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.

An independent identity is particularly important for a pro bono program that is located within an office with multiple programs or responsibilities. For example, if the pro bono program is housed within a larger public interest center, it is important for the program to be distinguished from public interest career programs so that private sector students can easily recognize that the program is for them and not just for students desiring to go into public interest full time.

The law school should define what work it sanctions as "pro bono" and clearly delineate the differences between "pro bono," "public service," and "non-law-related community service."

If the program is located in the career services office, the pro bono program must not be relegated to the leftover energies of the staff. Career counselors must work to involve all students in pro bono opportunities and not split the career development office and functions into public interest and private sector initiatives.

The same holds true for programs within a clinical or externship program. The challenge is to reach all students, including those who may not be involved in the clinical program, be it for lack of interest or available opportunities.

5. Develop a Range of Recruitment Strategies

Law schools should develop a range of recruitment techniques that appeal to a variety of motivations. Students need to hear about the program—how it

operates, how much time is required, and the variety of sites and issues areas available.

Career services staff should be familiar with the pro bono program and knowledgeable about volunteer opportunities available. When counseling students, they can stress the professional development benefits of pro bono participation, including gaining hands-on legal experience, exploration of practice settings and client bases, networking opportunities, and leadership development.

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Highlighting the program and available placements in the law school's weekly newsletter and posting information on the Web site are easy ways to make students aware of pro bono opportunities. Other forms of recruitment include pro bono fairs, 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.

6. Broad Range of Placements

The range of opportunities should be as broad as possible and designed to meet the needs of students, their class schedules, and the demands of family time. Commuting time to sites, time to study, and the impact of other law school activities should also be taken into consideration. It is important to be mindful of the complexity of the subject matter, the stress of some types of substantive areas, the length of time of the commitment, and the level of supervision.

Examples of opportunities that offer a range of experience and time commitment include:

- In-house projects or student-run group pro bono projects focused on a particular area of need
- Pro bono research projects enabling students to perform service on their own time
- Alternative spring or winter break pro bono projects permitting students to perform service in an alternative destination when the demands of their coursework may be fewer

- Non-legal community service projects that may be particularly beneficial for 1Ls who have more limited legal skills

7. Build Structures for Appropriate Supervision and Quality Control

In order to ensure that clients receive high quality legal service and students obtain quality experiences, it is essential for the pro bono program to locate and develop placements that are appropriate to the student's abilities and that provide the necessary supervision.

Prior to placing a student, the pro bono coordinator should have a clear understanding of the expected volunteer tasks and responsibilities. Knowing what the responsibilities will be permits the staff person to evaluate whether a volunteer must be eligible for the student practice rule or have completed specific courses prior to volunteering.

The law school pro bono program can also play a role in educating providers about appropriate supervision by providing them with guidelines or a "tip sheet" on ways to make the students' pro bono experience beneficial.

In addition, in order to ensure the continuing suitability of volunteer opportunities, it is crucial for the pro bono program to have a mechanism in place for obtaining feedback both from students and placement staff. This process will provide guidance in matching future students with the same placement and will alert the school to unsatisfactory placements that may need follow-up.

8. Track Pro Bono

Law schools should develop a recordkeeping system that tracks information about the student, the placement, the date(s) of participation and hours logged, and student and supervisor feedback. Collecting this information is important for several reasons including quality assurance, fundraising, recruitment, recognition, program improvement, public relations, and career placement.

Furthermore, the law school should encourage faculty and attorney staff to record and submit information about their pro bono work. This will provide the fullest picture possible of the law school's pro bono participation.

There is wide variation in the ways law schools track this information. Methods range from basic hard copy forms to more advanced Web-based management systems.

9. Build Pro Bono Into the Law school Curriculum

In order to develop a comprehensive pro bono program and establish a culture of pro bono, it is

important for the law school to build pro bono into the course curriculum. Professor Deborah Rhode of Stanford Law School has been urging law schools for years to teach ethics pervasively. By this she means both connecting appropriate pro bono opportunities with classwork and integrating public justice issues into doctrinal courses.

Robert Granfield, a professor in the department of sociology at the University of Buffalo, recently validated these premises in a report.¹² He studied the impact of mandatory pro bono programs on graduates. Among his findings were that students were, overall, satisfied with their law school programs. The only area where the graduates registered “high levels of dissatisfaction” was with the integration of their pro bono experiences with general coursework.

Fortunately, there are several existing models from which the pro bono program can benefit. Examples include:

- Incorporating a voluntary or mandatory service component into doctrinal courses such as children’s law, tax, or wills and trust. For example, an estates and trust professor can offer a service component in which enrolled students draft wills for low-income seniors
- Providing an invigorating discussion of pro bono in professional responsibility courses, perhaps with a pro bono opportunity along with it
- Partnering with legal service programs in order to make use of research problems for legal writing courses or client intake needs for advocacy-related courses
- Permitting students to provide pro bono service as an extension of a clinical experience—either before or at the conclusion of the term
- Offering a course on poverty law and partnering with programs to provide service opportunities

10. Involve Students in Program Development and Administration

Involving law students in the operations of the pro bono program can be beneficial in a number of ways: recruiting volunteers, locating new projects, identifying outstanding service, marketing opportunities to student organizations, and documenting and reporting levels of volunteer involvement. Student involvement can be institutionalized through a student-only advisory board or appointing students to serve on the program’s board of directors.

Another way to involve students in the pro bono program is by encouraging the development of student-run pro bono projects. Student-run pro bono projects can grow organically from student interests

or may be cultivated by the pro bono program or faculty and the community organizations to meet identified legal needs within the community.

11. Collaborate with Legal Community, Legal Service Providers and Community-at-Large

In order to succeed, law school pro bono program staff must devote substantial time and effort to building working relationships with local legal providers, including legal service and pro bono programs and bar associations. Pro bono programs and bar associations are often involved in a myriad of projects that lend themselves to student participation. It may be that there are projects already in place and in which the student participation would be gladly welcomed.

12. Conduct Outreach to and Collaborate with Alumni

For many law schools, a large percentage of the graduates remain in the locality after graduation, creating a large pool of potential support—both financially and as participants—for the pro bono program.

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Alumni can contribute to law school’s pro bono efforts in a number of ways including serving on the pro bono program’s advisory board; conducting trainings or serving as supervisors of law student pro bono projects; and speaking at the school’s recognition ceremonies or recruitment events.

13. Recognize Students and Faculty

Students should be provided both appreciation for their participation and recognition for outstanding service. Using a variety of recognition methods will both convey the law school’s commitment to public service and build enthusiasm for the program.

Examples of different techniques that schools use include levels of recognition based on hours of completed work; certificates or awards provided at a pro bono honors ceremony and/or at graduation; placing a notation of accomplishment on the official transcript; and, recognizing participants at graduation with a special certificate signed by the Dean or by listing their name in the graduation program,

asking them to stand, or having them wear a colored ribbon denoting a level of accomplishment.

In addition, some schools have special awards for outstanding faculty pro bono service. And, some law schools have collaborated with local or state bar associations, legal service programs and/or other nonprofits to create a special category for students within their traditional award scheme.

Of course, it would be shortsighted to neglect informal forms of recognition such as thank-you notes from clients and program staff, in-person thanks, designated parking spots, and token gifts such as coffee mugs, pens, and gift certificates.

Finally, programs should also consider ways to nominate the program for local, state, and national awards. This both increases visibility of the program and instills a sense of pride in the students.

Establishing a formal pro bono program is an important step in fostering a commitment to pro bono in law students at the beginning of their careers. Using the steps above will assist law schools on their journey toward building a successful pro bono program.

For further information, visit the Center for Pro Bono Web site at www.abaprobono.org or contact the author at kushnim@staff.abanet.org. In addition, law schools' representatives are invited to attend the ABA/NLADA Equal Justice Conference, including a half-day preconference program and conference workshops exclusively for law school pro bono and public interest program advisors, coordinators, directors and assistant and associate deans on May 6, 2008, in Minneapolis, Minnesota. For more information on law school pro bono programs, please visit the Center for Pro Bono's Web site at www.abaprobono.org. ♣

Notes

1. *ABA Standards for Approval of Law Schools, 2007-2008* at 20, www.abanet.org/legaled/standards/standards.html.

2. *Id.* The Interpretation further acknowledges that while most existing law school pro bono programs include only activities for which students do not receive academic credit, it maintains that the Standard does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities so long as law-related noncredit-bearing initiatives are also part of that program.

3. ABA House of Delegates Report No. 121B—Law School Support and Promotion of Pro Bono. To view full text and report, *see* www.abanet.org/renaissance/downloads/121B.pdf.

4. *See* Directory of Law School Pro Bono and Public Interest Programs at www.abaprobono.org/lawschools.

5. *Id.*

6. *Id.*

7. *Id.*

8. *Id.*

9. *Id.*

10. Learning to Serve: The Findings and Proposals of the AALS Commission on Pro Bono and Public Service Opportunities (October 1999) available at www.aals.org/probono/report.html.

11. David Hall, *The Law School's Role in Cultivating a Commitment to Pro Bono*, BOSTON B. J. (May/June 1998).

12. Granfield Robert, Ph.D., *The Pedagogy of Public Service: Assessing the Impact of Mandatory Pro Bono on Young Lawyers*, Prepared for the Law School Admission Council (September 2005).

COLLEGE COST REDUCTION ACT

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of Law, immediate past president, Association of American Law Schools; Peter Winograd, professor, University of New Mexico School of Law; and Kinvin Wroth, professor, Vermont Law School.

In the Fall 2007 issue of *Hofstra Law Review*, Professor Schrag describes how the new law will apply to graduates serving in public interest jobs and proposes changing current income tax rules to exempt the forgiveness that the new law provides for public servants. The article, "Federal Student Loan Repayment Assistance for Public Interest Lawyers and Other Employees of Governments and Nonprofit Organizations," can be viewed online at http://law.hofstra.edu/Academics/Journals/LawReview/lrv_issues_v36n01.html ♣



Professor Philip Schrag, Representative John Sarbanes, Dean Nancy Rogers, Professor Peter Winograd and Professor Kinvin Wroth