

*Everything You Wanted to Know About  
Law School Pro Bono  
But Were Afraid to Ask . . .*

This resource is intended to answer basic questions about law school pro bono programs and provide information on the key ways to participate in and develop law school pro bono opportunities. This resource also covers the relevant accreditation standards, the history of law school pro bono programs, and the keys to a successful law school pro bono program.

**American Bar Association  
Center for Pro Bono  
[www.abaprobono.org](http://www.abaprobono.org)  
February 2010**



## **WHAT IS PRO BONO?**

Many law students are unclear about the precise definition of pro bono and what it encompasses. The term 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. [Model Rule 6.1](#) states that lawyers should aspire to render – without fee—at least 50 hours per year of pro bono legal services, with an emphasis that these services be provided to people of limited means or nonprofit organizations that serve the poor. Model Rule 6.1 also allows for free or substantially reduced service on behalf of a variety of professional, governmental, educational, and civic organizations.

Pro bono in the law school setting is similar with some important distinctions. Students are encouraged to provide pro bono legal services, but only under the supervision of a practicing lawyer. And students may not receive compensation – neither income nor academic credit – for doing pro bono work.

It is important to remember that all pro bono work is public service, but not all public service work is pro bono. Although some law schools permit students to count credit-bearing public interest clinics and externships toward their school’s pro bono goal or graduation requirement, these activities are not typically considered “pro bono.” Similarly, non-legal community-based volunteer activities such as painting a school in a low-income neighborhood or serving meals in a homeless shelter are not pro bono, either, because they do not involve the use of legal skills.

## **ARE LAW SCHOOLS REQUIRED TO OFFER PRO BONO OPPORTUNITIES?**

Yes. The American Bar Association [Standards for Approval of Law Schools, Standard 302\(b\)\(2\) - Curriculum](#) provides “a law school shall offer substantial opportunities for . . . student participation in pro bono activities.” Standard 302(b)(2) superseded the former Standard 302(e) which provided only that a law school “should” provide opportunities for student participation in pro bono activities.

In addition, the [Preamble](#) to the Standards mandates that law schools “must provide an educational program that ensures that its graduates...understand the law as a public profession calling for the performance of pro bono legal services.”

Finally, [Standard 404\(5\) – Responsibilities of Full-time Faculty](#) requires schools to establish policies with respect to full-time faculty members’ obligations to the public, including participation in pro bono activities.

## **WHAT IS THE HISTORY REGARDING LAW SCHOOL PRO BONO PROGRAMS?**

Until relatively recently, formal law school pro bono programs were rare. Most students’ exposure to public interest causes and low-income clients occurred in clinical

courses, externships, or summer jobs. In the late 1980's, a growing number of faculty, administrators, and students began encouraging law schools to take a more active role in promoting pro bono service, and in 1987 Tulane Law School instituted the first law school pro bono service requirement. Over the next fifteen years, most schools developed formal pro bono programs, and about a fifth adopted public service graduation requirements.

Today, according to the [\*Directory of Law School Public Interest and Pro Bono Programs\*](#), thirty-six accredited law schools have pro bono or public service graduation requirements, with another approximately 111 schools having a formal, administratively supported voluntary program and the remainder relying on student groups to provide opportunities. Only a small minority of schools have no organized pro bono program.

## **WHAT ARE THE DIFFERENT MODELS OF LAW SCHOOL PRO BONO PROGRAMS?**

The [\*Directory of Law School Public Interest and Pro Bono Programs\*](#) identifies six models for structuring a law school pro bono program. These include the following:

1. Pro Bono Graduation Requirement Program
2. Public Service Graduation Requirement Program
3. Community Service Graduation Requirement Program
4. Formal Voluntary Program Characterized by a Referral System with Coordinators
5. Formal Voluntary Program with Administrative Support for Student Group Projects
6. Independent Student Pro Bono Group Projects with no school-wide program

To view a chart of law school pro bono programs, including definitions, [click here](#).

For further reading on the structure of law school pro bono programs, see the AALS Pro Bono Project's [\*Handbook on Law School Pro Bono Programs\*](#).

## **WHY ARE LAW SCHOOL PRO BONO PROGRAMS IMPORTANT?**

In addition to benefiting those who could not otherwise afford legal representation, pro bono provides a number of benefits to both law students and law schools.

### **➤ Benefits to Students**

- Provide much needed legal services to persons of limited means
- Develop and enhance many legal practice skills such as interviewing, research, trial-preparation, etc.
- Gain exposure to various areas of substantive law and public service career opportunities
- Gain professional experience and enhance resume

- Build relationships with practicing attorneys
- Greater involvement in community
- Achieve personal fulfillment
- Instill a sense of professional responsibility in students
- Learn to balance responsibilities and integrate pro bono responsibility into life at beginning of law career
- Remind of reasons for attending law school; re-inspire commitment to help others
- Make legal education more interesting, relevant and meaningful

➤ **Benefits to Law Schools**

- Enhance law school's ties, relationship, reputation and stature within the local community ("good will")
- Enhance and strengthen relationships with alumni
  - Develop relationships with students when program pairs up students and alumnus
  - Professional satisfaction from mentoring students involved in pro bono program
  - Alumni feel good about school's good works for benefit of the community
- Can assist law school in attracting new students by distinguishing law school from others
- Enables school to demonstrate its commitment to public service and needs of low-income person in the community.
- Serves an educational function and can further institution's education mission
  - Can supplement/enhance professional responsibility or poverty law courses
  - Instill sense of professional obligation early in student's law career
  - Students develop and expand legal skills
  - Assist in provision of much-needed legal services to persons in the local community
- Enhance law school's ties to local legal community, including bar associations, judiciary, etc.
- For law schools promoting religious values, direct connection between school's mission and helping persons of limited means through pro bono work

**WHAT ARE THE KEY INGREDIENTS OF A SUCCESSFUL LAW SCHOOL PRO BONO PROGRAM?**

➤ **Solid Institutional Support**

- Support of Dean and faculty
- Stated pro bono policy or goal
- Institutional recognition of efforts

- Information included in school admission materials
- Financial support
- **Dedicated Staff Administering Program**
  - Provides continuity
  - Regular contact with players in legal community
  - Quality control
- **Separate Identity**
  - Meaning not subsumed under large office, i.e. public service or career services; program has its own identity
  - If part of a larger office-such as career services or public interest office – important that program carve out its own identity within the larger office
- **Variety and Broad Range of Pro Bono Placements**
  - Program collaborates and/or works closely with Career Services to provide opportunities to attract all law students; not just public interest minded law students.
  - Placements through
    - Pro bono programs administered by local/state bar associations;
    - Legal Services and other non-profits providing legal services to persons of limited means;
    - Private attorneys in the community working on pro bono matters
    - Postings available on [Public Service Law Network](#) and other state based pro bono opportunities websites, if available.
- **Sound Quality Control Measures**
  - High quality supervision of students
  - Case tracking
  - Evaluation system in place for students and placements
- **Student Involvement**
  - Students involved in program development, administration

For a more thorough examination of the effectiveness of a law school pro bono program, see the AALS Pro Bono Project's [Handbook on law School Pro Bono Programs](#).

## **WHAT TYPES OF PRO BONO OPPORTUNITIES CAN I PERFORM?**

Law student pro bono work must be performed under the supervision of a licensed attorney or faculty member. Upper class students may be able to perform a greater range of activities than first years if eligible under their state's limited practice rule. Check with your law school pro bono or public interest program staff (if your school has one) or career services office for opportunities available or a listing of public interest employers who may need assistance.

Here are the most common ways students perform pro bono work:

1. Staffing advice and referral clinics
2. Targeted direct services in appropriate practice areas
3. Creating and distributing know your rights brochures/pamphlets
4. Conducting know your rights presentations in the community
5. Staffing legal helplines
6. Assisting with client intake
7. Creating pro se materials & conducting pro se clinics
8. Providing language translation services
  - a. oral translation for clients
  - b. written translation of vital forms/documents
9. Research, research, & more research
10. One-to-one attorney match

### **HOW DO YOU TRACK AND REPORT PRO BONO?**

In getting the pro bono program off the ground, one of the first tasks is the development and implementation of a system for tracking students' pro bono placements and hours served. At a minimum, law school pro bono programs should maintain data regarding placements, project requests, student participation, and evaluation. Having a such a system in place will enable the pro bono director to determine which students have met the law school's minimum number of hours to receive recognition, recognize the students who have volunteered well above the minimum amount, as well as keep statistics on the number of students, hours, and employers in order to evaluate the program's growth over time.

There is wide variety among law school tracking systems ranging from using basic forms to more advanced web-based management systems. Typical forms that law schools use include:

- Student Interest or "pledge" forms
- Attorney Project Request Forms
- Student-Initiated Project Request Forms
- Placement Confirmation Forms
- Time Sheets
- Supervisor and Student Evaluations.

Utilizing a web-based system for record-keeping facilitates easy input of, access to and analysis of information. 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 and organizations will participate in providing the information.

If a web-based system is not an option, a simpler tracking system can be implemented at least for the immediate future. Student can report pro bono hours using time sheets on which they record the number of hours and at the end of the semester have them signed by

their supervisor before submitting the forms. Such a paper system is cumbersome but without a web-based system in place, it is the easiest to implement. Many schools use Excel spreadsheets or Microsoft Access which is designed to be a database program to record this information. As an alternative to staff, schools can rely on volunteer students or undergraduates to enter the data.

In addition to retrieving data for recognition purposes, tracking data supports fundraising efforts by demonstrating the depth of commitment in the pro bono arena. Numbers can have a powerful effect in publicizing the program, particularly when disseminated through newsletters and publications and to prospective students. The information may further enhance the law school's reputation as a leader in pro bono work, and may lead to acts of good will from benefactors in the community who can enable the program to do more to meet unmet legal need.

### **MY LAW SCHOOL DOESN'T HAVE A FORMAL PRO BONO PROGRAM. WHAT CAN I DO TO START ONE?**

If your school does not have a formal pro bono program, consider organizing your fellow students to lobby your dean and faculty to create a pro bono program at your school or create a student-run pro bono program.

Here are the key questions to ask when considering initiating a student pro bono campaign:

- **Identify mission/goals of program**
  - Develop mission statement
  - Develop mission goals
  
- **Should participation be voluntary or mandatory**
  - Mandatory- reaches all students
  - Voluntary- reaches only those who volunteer
  - Choice is unique to individual school – depends on many factors, such as school culture, location of school, sufficient funding, etc.
  
- **Identify or assess the community needs**
  - Obtain area legal need study or state plan (from state/local bar or legal services office)
  - Determine how school efforts can close any gaps in service
  - Compliment the work of existing service providers through coordination, cooperation, partnership & collaboration
  
- **Identify possible supporters**
  - Dean
  - Faculty and administration
  - Curriculum committee

- Prominent student/alumni leaders
  - Leaders in legal community such as judges, bar leaders, executive directors of legal services offices, etc.
- **How to best match profile of your school with needs of community**
    - Does school have a service-oriented mission or sole focus on academics?
    - Is school situated in particularly poor community (for example- large urban area with concentrations of persons of limited means)
- **Identify program focus**
    - External placements through local non profits
    - Internal program (program housed in school, students typically participate in program management)
    - Specific client group (elderly, persons with HIV/AIDS, prisoners)
- **Identify any institutional impediments**
    - Do school standards permit this kind of program? (due to supervision concerns, some schools do not permit extern-type programs, so may wish to structure program so that law school staff/faculty are directly supervising students.)
- **Co-existence with clinical program**
    - Pro bono programs do not replace clinics; clinics do not alleviate need for pro bono program
    - Both programs can further educational values, but each has unique role in education process
    - Generally clinics can only enroll limited number of students per semester; other students need to learn practical legal skills.
    - Participation in pro bono program may encourage interest in participation in clinical program and vice versa
- **Resources in Community**
    - Identify potential placements
    - Work with Career Services/ Public Interest Office
    - Local/State Bar Associations
    - Courts
    - Prominent alums who are active in pro bono (work with alumni office)
- **Funding**
    - How much do you need?
    - Will school fund program?
    - Outside funding-private foundation, IOLTA/IOLA

For additional information, see the [ABA Center for Pro Bono](#) website [or email Assistant Staff Counsel, Melanie Kushnir](#) or call (312) 988-5775.