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Law School Accreditation Standard and Interpretation on Pro Bono Activities

This brief reviews the current ABA accreditation standards dealing with pro bono activities that are offered by law schools to their students.

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The “ABA Standards and Rules of Procedure for Approval of Law Schools,” more commonly known as the “Accreditation Standards” are the rules that law schools must follow to maintain ABA-accredited status. Many of these Standards are accompanied by “Interpretations” that provide context and additional explanation for the Standards themselves.

The Council of the Section of Legal Education and Admissions to the Bar (“Council”) is the ABA body that oversees the Accreditation Standards.

Current Standard Language Concerning Pro Bono Activities

Standard 303(b)(2), which deals with law school pro bono service is relatively straightforward. It states:

A law school shall provide substantial opportunities to students for... student participation in pro bono legal services, including law-related public service activities.

The Interpretation of rule 303(b)(2) proceeds to clarify Rule 303(b)(2) further by inclusion of specific reference to Model Rule of Professional Conduct (“Voluntary Pro Bono Publico Service”), including Model Rule 6.1’s emphasis on providing pro bono services to persons of limited means or to organizations that serve such persons.

Interpretation 303-3 also includes language suggesting at least 50 hours of pro bono service, which is the same amount of pro bono service specified in Model Rule of Professional Conduct 6.1 as an aspirational annual goal.

Interpretation 303-3 further includes an allowance that credit-bearing activities may be part of a law school’s “overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of the program.”

Interpretation 303-3 states, in full:

Rule 6.1 of the ABA Model Rules of Professional Conduct encourages lawyers to provide pro bono legal services primarily to persons of limited means or to
organizations that serve such persons. In addition, lawyers are encouraged to provide pro bono law-related public service activities. In meeting the requirement of Standard 303(b)(2), law schools are encouraged to promote opportunities for law student pro bono service that incorporate the priorities established in Model Rule 6.1. In addition, law schools are encouraged to promote opportunities for law students to provide over their law school career at least 50 hours of pro bono service that complies with Standard 303(b)(2). Pro bono and public service opportunities need not be structured to accomplish any of the outcomes required by Standard 302. Standard 303(b)(2) does not preclude the inclusion of credit-granting activities within the law school’s overall program of law-related pro bono opportunities so long as law-related non-credit bearing initiatives are also part of that program.

Interpretation 303-4 further defines law-related public service activities as follows:

Law-related public service activities include (i) helping groups or organizations seeking to secure or protect civil rights, civil liberties, or public rights; (ii) helping charitable, religious, civic, community, governmental, and educational organizations not able to afford legal representation; (iii) participating in activities providing information about justice, the law, or the legal system to those who might not otherwise have such information; and (iv) engaging in activities to enhance the capacity of the law and legal institutions to do justice.

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