

Pro Bono & Justice

A periodic publication of the AALS Section on Pro Bono and Public Service Opportunities

Tara Talks

August, 2016

Dear Friends,

As I sit down to write this summer's column, I must admit my brain is distracted. It is distracted by the calendar on the wall that is telling me that students are returning in little over a month (didn't they just leave?). It is distracted by the warmer weather, which, in the South, means higher than usual consumption of sweet tea. It is distracted by the piles of files on my floor that resulted from the great cabinet purge of 2016.

But mostly it is distracted by the news that tells me what is wrong in our society, especially when I know that so many people are doing right by our society. It is distracted as I try to reconcile perceived widespread systemic failures with the commitment to service made by individuals and institutions.

It may seem simplistic, or at worse sophomoric, but Mr. Rogers has helped me bring my mind into focus. Mr. Rogers once said, "When I was a boy and I would see scary things in the news, my mother would say to me, 'Look for the helpers. You will always find people who are helping.'"

So, as I sit down during these troubling times, I look to you – our section. Collectively, we are the helpers.

We are the helpers as we create, cultivate, and operate pro bono service and community engagement programs that focus on increased access to justice in our society. We are the helpers as we educate, mentor, and counsel our students on these complex societal issues, and emphasize their role in either perpetuating problems or finding solutions. We are the helpers as we forge community partnerships that link groups together that would otherwise not have found common ground.

Our task is not an easy one to undertake or accomplish, as we ourselves encounter challenges to our efforts. Those challenges may be external as we attempt to disrupt and dismantle systems that have perpetuated inequity in our society. Those challenges may also be internal as we question our own efforts and abilities to effectuate such desired change.

Although there is no definitive map to navigate these obstacles, that does not mean there is no help for the helpers. I encourage each of you to reach out to your section leadership with ideas and concerns, complete our membership survey so that you can better connect with your colleagues across the miles, share your stories through our Pop Up Surveys, and, most definitely, make plans to join us all at the AALS Meeting in San Francisco.

We can be the helpers during these troubling times – to our community, our students, our institutions, and each other. Look out for us.

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Y'all take care,
Tara

2017 ANNUAL MEETING Recap

Bridging the Gaps: Using Technology to Increase Access to Justice and Law School Engagement



The Section is excited about the topic for the 2017 Annual Meeting bringing new ideas to our continuing efforts in civic engagement. See you in January in San Francisco! Developments in technology have connected individuals to needed legal resources, while enabling law schools to seamlessly integrate service-based learning experiences into their programming. While technology is being heralded as helping to bridge access to justice gaps in our society, its incorporation into the law school environment not only prepares students for the modern practice of law but engages them in such bridge-building as well. This program will discuss what law schools are doing to place themselves on the forefront of technological advancement through professional partnerships, faculty engagement, and pro bono programming.

Moderator Michele Storms
University of Washington School of Law

Panelists: Latonia Keith
Concordia University School of Law

Emily McReynolds
University of Washington Tech Policy Lab

Pamela Robinson
University of South Carolina School of Law

Roger Skalbeck
The University of Richmond School of Law

AALS PRO BONO & PUBLIC SERVICE OPPORTUNITIES AWARDS

The AALS Section on Pro Bono and Public Service Opportunities will present two awards at the AALS Annual meeting in January 2017. The purpose of these awards is to honor those who have dedicated significant efforts toward increasing access to justice through the law school environment and to inspire similar efforts from others. The intent is to honor those who personally design and manage pro bono programs, those leaders in legal education who promote these programs and those who personally give of their time and talents in pro bono service.

The Deborah L. Rhode Award will be awarded to a full-time faculty member or dean who has made an outstanding contribution to increasing pro bono and public service in the law school setting through scholarship, leadership, or service.

The Father Robert Drinan Award will be presented to a professional faculty or staff member at a law school who has forwarded the ethic of pro bono service through personal service, program design or management.

Nominations of others or oneself may be made by any member of AALS until September 30, 2016, 5:00 p.m. (EST). Nominations must be emailed to [Jennifer Tschirch at jt1133@law.georgetown.edu](mailto:Jennifer.Tschirch@law.georgetown.edu). Nomination letters should be no longer than five pages and may be accompanied by no more than three letters of support. Re-nomination of persons who have been previously nominated but not selected is encouraged.

SERVICE PROJECT @ 2017 ANNUAL MEETING

THE SOCIAL JUSTICE EDUCATION PROGRAM AT ST. ANTHONY'S

This January at AALS, the Pro Bono and Public Service section is teaming up with the Poverty Law and Women in Legal Education Sections to host our annual public service project.

St. Anthony's in San Francisco is an organization providing essential support to San Franciscans living in poverty. Committed to the values of healing, community, justice and gratitude, St. Anthony's carries out a mission of loving care to San Franciscans in need through their dining program, medical center, free clothing program, advocacy program and social work program as just a few examples.

On January 7 interested volunteers will gather at the conference hotel for the short walk to St. Anthony's to arrive by 9:00 a.m.. Once there we will participate in the social justice education program which will include learning about their services and clients, then helping out in the dining room and clothing centers. The activity will end around noon. Registration will be required for this activity and you can sign up when you register for the overall ALLS conference. We hope you will join us!

Do you have a colleague who is out of the loop?
Bring them into the wonderful world of law school pro bono !
Send them the information below!



PRO BONO SECTION LISTSERV

BIG NEWS!

Dear Section Members:

The AALS Section on Pro-Bono & Public Service Opportunities listserv will now be hosted on the Connect.AALS.org community platform. You have access to two listservs, a section website, and file sharing capabilities. Members may post to the Discussion listserv, where all members can send and receive messages, by emailing SECTPB@lists.aals.org or logging into the section website at <http://connect.aals.org/probono>.

You may have already received an email from AALS announcing this transition and explaining that you are ready to go. Your profile setup is up and you are now ready to go for the site. Your password is the same as the one you use to log into the AALS website. If you have forgotten your password you can click this link to reset it: <https://memberaccess.aals.org/eWeb/DynamicPage.aspx?WebCode=forgotpassword&Site=AALS>.

Logging into the section website: Once you are logged in, click the "Sections" tab across the top of the page and you will see all the AALS sections and committees of which you are a member. Click "Sections", then, click "Pro-Bono and Public Service Opp."

What do you do if you are not a member of the Section? To join the Pro-Bono section or to inquire about your status as a member, please email support@aals.org.

We welcome your feedback on the site. Please send all questions and comments to support@aals.org. For more information on sections and using the listservs, please visit <http://aals.org/sections>

During the transition posts can still be made to our old listserv at:

<http://mailman.lls.edu/mailman/listinfo/aals-probono>

Reflections from the 2016 ABA Equal Justice Conference

As a new pro bono law school coordinator - was struck, by the significant variation that exists in the structure and administration of law school pro bono programs. Despite the existence of many programmatic models' it was interesting how many coordinators had shared challenges.

Connecting with colleagues.

Meeting and connecting with other folks who do what I do. Most of us work in our own silos at our various schools.

I very much value the space that this pre-conference allows me to begin stepping back to think about my programming and work overall. The pre-conference set the stage for my own reflection about program improvement that continued happening for me during the entire conference. After sharing with and listening to law school pro bono advisors during the pre-conference I appreciated the acknowledgement that those who are engaged in similar work face the same struggles that I do too, the opportunity to learn from those who have and are working on solutions to those struggles. As a one-person office at my law school I don't have the chance to problem solve with similarly situated colleagues. This year's pre-conference provided me this opportunity and I am grateful for it!

The more we manage diverse programs the more similar are the challenges, no matter if you are established, new, rural, or urban, well resourced or barely on the radar there continue to be challenges that each program overcomes. Having a conf. goal of educating students about the importance of pro bono to their professional identity keeps us all centered and focussed.

*he strategies, ideas, and passion that my colleagues bring to their work. It was rejuvenating

It was wonderful to spend a day reflecting on the full range of pro bono's value to law schools: such as service, skill building, networking, development.

As a presenter and frequent attendee to this conference, I thoroughly enjoy reconnecting with my conference colleagues across the nation. This year as we put together our panel, it was good to have the opportunity to get to know my co-presenters, their programs and their schools better through our workshop preparation, over calls and email and at our presentation too. I hope it was helpful to the attendees beyond my panel. I find the time being away from campus beneficial to get ideas, energy and inspiration to invigorate myself, our program and students. Since I have returned, I have already planned my upcoming calendar of events and met with student leaders before they start their summer jobs. A successful start to my summer projects.

I perennially find it rejuvenating as the academic year comes to a close to share ideas and best practices with my creative, engaged pro bono colleagues at the ABA law school pre-conference.

Connecting with colleagues, breaking down the isolation, building community, creating a laundry list of ideas for how to improve our programs and help create a culture of service at our school and profession.

"Partners in Pro Bono" from GALH Boyd School of Law - a great project model - hope to emulate!

I appreciated the reminder and specific suggestions about linking pro bono activities with specific learning outcomes related to legal skill development. -this is something we've talked about at my law school for some time but this has given me the nudge to actually implement some changes for the fall!

Ideas that - obtained from colleagues at other law schools that I can implement in my pro-

RACE

In light of recent events and with issues around criminal justice reform the Section is interested in starting a conversation. The first step is to find who is interested in talking about what the intersection of reform and pro bono can bring to the curriculum and to our communities. If interested contact Tara Casey: tcasey@richmond.edu



Collaboration Corner

Welcome to the **Pro Bono Collaboration Corner**. AALS members have come together with representatives from NALP, Equal Justice Works, and the ABA Center for Pro Bono to share information on law school pro bono. The goal is to provide our greater communities with news, events, conference recaps, and more so that we are not working in parallel or at cross-purposes.

Conference recaps and upcoming RFP deadlines:

EJC: The Law School Pro Bono Preconference of the Equal Justice Conference was very helpful on many levels. In particular, Connecting with Colleagues, facilitated by Shehnaz Mansuri (from the University of Chicago Law School) and Michele Storms (from the University of Washington School of Law) was a great discussion about sharing information and publicizing the good work the law school pro bono community is doing both inside and outside the law schools. The Building Allies program moderated by Shehnaz Mansuri (from the University of Chicago Law School) and Cindy Wilson (from Northwestern Pritzker School of Law) provided excellent suggestions on identifying and addressing student and community care needs. It also reminded us to be mindful of our own self needs. If you are interested in more information from the programs or the conference, contact Nura Maznavi at the ABA at nura.maznavi@americanbar.org.

NALP: At the NALP conference, we had a chance to discuss cultural competency during the Creating a Culture of Innovation through Cultural Competency program. Participants were challenged to identify implicit bias and engaged in a discussion about the sort of learning programs that could be used to raise awareness and positively influence law school programs. If you're interested in more information from the conference, contact Christina Jackson at NALP at cjackson@nalp.org.

The 2016 National Legal Aid and Defender (NLADA) Conference will be November 9-12, 2016 in Indianapolis, IN. The RFP deadline has been extended to July 31, 2016. (<http://www.nlada.org/conferences-and-training/2016-nlada-annual-conference/2016-annual-conference-workshop-program>)

The Legal Services Corporation Technology Initiative Grants (TIG) Conference will be January 11-13, 2017 in San Antonio, TX. RFP's are due no later than August 12, 2016. (<https://docs.google.com/forms/d/e/1FAIpQLSeq4z6B5TbwOT1cxWg65ogM3RGKwxaYz1GjglUoNS-CQJPEXg/viewform>)

In other news:

One result of the conversation about promoting law school faculty and staff pro bono efforts at the EJC preconference is a new blog series, launched by NALP, through its PSJD Blog. The Faculty/Staff Pro Bono Spotlight series will highlight law school pro bono efforts throughout the summer and into the fall. If you wish to contribute, please email Christina Jackson directly at cjackson@nalp.org.

Is cultural competency training an issue for you? The Washington Council of Lawyers here in DC had a great series entitled "Best Practices in Pro Bono" which explored many issues, including cultural competency. Here is a list of resources they put together on the subject:

- City Classroom Training Exercises
- Safety Net Exercise
- Interviewing Torture Survivors
- Interviewing Survivors of Torture and Human Rights Abuses
- Pro Bono Attorney Training Course Outline

Call for input:

This group's primary goal is to bring together the pro bono community in a way that allows us to work better, smarter, faster. If you know of an event or information that should be shared, please pass it along to **Christina Jackson** at cjackson@nalp.org.

National Pro Bono and Public Interest Calendar of Events

2016

- October 27, 2016** **NALP Public Service Mini-Conference
(Public Interest Advising 101 on October 26)
Washington, DC**
- October 28-29, 2016** **Equal Justice Works Conference
Arlington, VA**
- November 9-12, 2016** **NLADA Annual Conference
Indianapolis, IN**

2017

- Jan. 3-7, 2017** **AALS Annual Meeting
San Francisco, CA**
- January 11-13, 2017** **Legal Services Corporation Technology Initiative
Grants (TIG) Conference
San Antonio, TX**
- March 8-10, 2017** **Pro Bono Institute Annual Conference
Washington, DC**
- May 5-May 9, 2017** **AALS Clinical Conference
Denver, CO**
- May 13-15, 2017** **ABA Equal Justice Conference
(Law School Pre-Conference on May 12th)
Pittsburg, PA**

AALS -Association for American Law Schools
<http://www.aals.org>

ABA- American Bar Association Standing Committee on Pro Bono and Public Service
http://www.americanbar.org/groups/probono_public_service.html

EJW- Equal Justice Works
<http://www.equaljusticeworks.org>

NALP- National Association for Law Placement
<http://www.nalp.org>

PSJD-Public Service Job Directory
<http://www.psjd.org>



RESULTS

Periodically the Section will post a Survey question on the Listserv, results will be published in the next newsletter

PopUp Survey Question #2

What pro bono project would you love to start, but believe you do not have the resources to implement?
Please write a short paragraph describing the project, and the issues you are encountering

I would like to provide advocates to represent parents in hearings with School Boards/Schools.

Marni Lennon
University of Miami

Supporting homeless individuals with benefits applications; assisting local governments and non-profits to seek out Federal funding to provide housing for the homeless.

Lisa Davis
UC Irvine School of Law

An environmental law project. The problem is lack of non-profits working in SC who have lawyers willing to supervise the number of students interested in helping.

Pamela Robinson
University of South Carolina

Family law continues to be the highest need area of pro bono service, but I have yet to figure out how to mobilize a pro bono initiative that would address issues of contested divorce, custody, and/or support.

Tara Casey
University of Richmond

I would love to have a pro bono project that offered low-income women representation in custody disputes. The HUGE issue is a lack of attorneys who are willing to take custody cases. Obviously, our students can not volunteer without an attorney to supervise them. We get so many calls for help on this issue.

Kimberly Emery
University of Virginia

“With an open heart, we can learn to stand in each other’s shoes, and look at the world through each other’s eyes.”

President Barack Obama
July 12, 2016



The Interview

Law School Pro Bono Programs: Where We've Been, Where We Are, and Where We're Headed

Interview with Julie Jackson, Assistant Dean for Public Interest Programs and Adjunct Professor of Law, Tulane University Law School.

I recently had the chance to visit with Assistant Dean Julie Jackson, who has been at Tulane since 1988. It was her last day in the office after working for Tulane's Community Service Program for 28 years. Wrapping up a long tenure in legal education and pro bono programs, I thought it would be a great opportunity to share her experiences.

To put our conversation in perspective, I'd like to give a bit of background on Assistant Dean Jackson. Dean Jackson graduated from Harvard Law School in 1980. Following graduation, she clerked for the United States District Court, Central District of California. She subsequently practiced labor and employment law, first with a private firm in Atlanta, Georgia, and then on behalf of the federal government. In 1988 she came to Tulane Law School to establish and to oversee the newly approved Community Service Program, the first mandatory pro bono program at an American law school. In addition to her responsibilities for pro bono activities at the Law School, she was the Director of the Externship Program. She also coordinated the New Orleans EEOC Pilot Mediation Program and served as mediator in employment discrimination cases.

As the first Public Interest Programs coordinator at Tulane, Assistant Dean Jackson had to start the program from scratch. In our conversation, we covered how she got started, the early days of pro bono programs in legal education, and the challenges she faced in growing the Tulane program. We also touched on several other topics, such as the pros and cons of mandatory and voluntary programs, inspirational stories from students that participated in the pro bono program, and how a need can arise in a law school's community that expands the scope of the program (as Katrina did for Tulane in 2005). In addition, Dean Jackson shared what she sees for the future of pro bono programs in law schools, including how state bar mandatory pro bono hours' requirements (that sometimes conflict) are going to affect law school pro bono programs.

Below is a condensed transcript of our conversation.

Stephen Rispoli, Assistant Dean for Student Affairs and Pro Bono Programs, Baylor Law School.

Stephen Rispoli: [Can you tell me a little bit about you and how you came to this position?](#)

Julie Jackson: I was fortunate to have been in Louisiana when Tulane decided to go forward with instituting a pro bono requirement, and we're very excited to be the first school to implement a mandatory pro bono program. For me, it was just a golden opportunity and a privilege to be on the ground floor with what was then an experiment, and to be able to introduce students to the concept of sharing their expertise to help those who might otherwise not have access to justice. It was a very novel idea and not tried at that point. So, we went forward and didn't waste any time. I was hired and we started the program that week. We didn't have any lead time, so we moved forward. It was tough, but it's been good.

SR: [How did the Tulane program come to be?](#)

JJ: Our faculty voted in this pro bono requirement at Tulane Law School in the Fall of 1987. It was decided that it would be effective as of the beginning of the next academic year, so it was effective in the Fall of 1988. It was effective for the first and second year class; not for the class that was then graduating. But the program began at that point.

SR: [That's very interesting. How did the program start out, and what has the change been?](#)

JJ: There was, in the beginning, some sort of a debate on this question - "should there be a pro bono requirement?" That was perhaps controversial at the time, but less so now as so many other law schools have made this choice.. However, it was mandatory - meaning that every law student, in order to receive the J.D. degree must complete, prior to graduation 20 hours of pro bono service. Further, it was for traditional pro bono service - providing services that benefit the underprivileged or underrepresented.

SR: [Very interesting. How did it change? What has the change been since getting started?](#)

JJ: Well, the requirements have broadened over the years. First, in terms of what qualifies as pro bono, and then in the number of hours. It began as 20 hours, but it was expanded after Katrina. The faculty passed a requirement to expand the requirement from 20 hours to 30 hours per student. Although it seems like a lot to the students, that's 30 hours to be done over the course of your three years of law school. After Katrina, the list of activities that qualified was also expanded because of the incredible need after the damage brought by the storm. It was decided that we could expand it to include assisting local government, which was in disarray and in need of additional resources at that point in time. Students were allowed to count work for the city attorney's office and the public's defender program, for example. In addition to working at a non-profit that serves unrepresented people with their legal needs, we

allowed helping a private attorney who was doing pro bono work in these same subject matter areas.

The final change is that it's now 50 hours. As a result, public service work counts in addition to the more traditional pro bono public interest work. Students can work for a non-profit organization that's assisting, for example, battered spouses. They can work for the Department of Justice, which at the very beginning they would not have been able to do. They can work for the courts as well – students can work for a judge in the state court or federal court system and also earn hours toward their pro bono requirement.

SR: [Going back to the beginning, how much guidance did you have? Or was it basically, “we’ve created this mandatory program, we’re glad to have you here, figure out what to do with it?”](#)

JJ: We originally had an agreement with the New Orleans Pro Bono Project, as it was then titled, which was an organization that worked with private attorneys who offered to volunteer their time to serve clients who met a certain economic need level. The original concept was that we would match students with private attorneys who had volunteered to provide and then the student would work hand in hand with that private attorney in doing the pro bono work. This is a great concept. The only problem was that there were not enough attorneys working with clients to provide the opportunity for every student at Tulane to comply with the requirements. At that point, the program's already in place and you already have students who are falling under it, so the question is, “What do you do as the next step? What do you do to get more opportunities?” There is great need in a community like New Orleans. But you can't necessarily address it in such a rapid fashion. So, we expanded to allow students in the second semester to work with local legal services providers, and that gave more opportunities.

Since then, over time, we found more opportunities and more organizations that are out there providing legal services. That's why I use the term “non-profit.” It covers a wide range, but I'm talking about either legal service providers or non-profits who might have volunteer attorneys who work with them. An example would be the Arts Alliance. They had artist members that had legal problems. Sometimes they had volunteer attorneys that were available to help address some of those legal problems. We would try to match students up with the attorneys volunteering for the Arts Alliance. I believe this type of expansion is a very good thing. I think the students need a range of choices. It opens a wide range of experience in the public interest world, and encourages the students to explore.

SR: [How many partners – using the term loosely to define every organization or lawyer that a student can be placed with – does Tulane have?](#)

JJ: The program has expanded over the years, and grew to include approximately 50 active community partners. For the partners that we work with on a regular basis, we know about the opportunities and we can refer students. Students also have an opportunity of making an independent proposal. For example, I may not be familiar with a legal services provider in Lafayette, Louisiana, but that's where the student's going to be on Spring Break. The student can then submit a proposal to do pro bono work for that organization. The program's flexibility gives them those types of opportunities as well. As a side note, at the very beginning, pro bono work could only be done during the academic year. We later expanded to let students to pro bono in the summer, but that didn't come immediately. For legal advice clinics, we were able to get several grants and established a consumer advice clinic in cooperation with our local legal services provider, which at that time was called NOLAC – New Orleans Legal Assistance Corporation. They would do intake and usually had way more clients on waiting lists than they were able to handle. We were able use their intake facilities and refer the clients to our clinic. Although we shared space with them, we would stay with them on Fridays and were able to pay an attorney to work part-time with us. We did that for consumer, bankruptcy, family law, and family law legal advice. We could handle, for example, uncontested divorces and other cases that didn't demand on-going representation. If cases did need on-going representation, we referred them out.

The other legal advice program that we started is “ELLA” [Entertainment Law Legal Assistance] and that one is still on-going. I think it's a great opportunity for students especially interested in Intellectual Property. We have artists and musicians as clients in that clinic. Our students can address those problems under the supervision of an attorney.

Finally, the other program was the project for older prisoners, or “POPS.” That project was actually started the year before our pro bono requirement. Our POPS program works with the state prisons in Louisiana. Again, we have an attorney who works with us on a part-time basis for supervision of students who are working on parole issues with the state prisons.

These opportunities give the students a choice of school-sponsored special legal advice programs and working in the community in a variety of settings. If they'd like to work with a pro bono project, our initial placement is still another option. They sometimes find work with private practitioners, or a private practitioner who has taken on a pro bono case that has called us directly and would like a student to get involved. That sort of covers the range.

SR: [Those sound like great projects.](#)

JJ: There are also programs that are student-inspired and student-organized. We had a program, for example, in Panama for several winter breaks. They were working with an organization who connected them with attorneys in Panama. The students would meet with local clients in some of the outlying areas where they are less likely to be able to get legal assistance. The project and the fundraising to make the program possible was organized by the students.

SR: [That sounds like a great program. I bet that was very popular.](#)

JJ: It was very popular. Hopefully we can reinstitute it. Right now, we've reorganized because that particular organization was not able to continue to supply attorneys. I think that it will be reorganized either with Global Brigades or with another organization. It was a wonderful experience all around. They provided some much needed services and there's a lot more to be done.

SR: [It sounds like you have a very large range of projects and offerings for students. What are some of your favorite moments over your career at Tulane?](#)

JJ: I think it's when a student will say that their pro bono work was the best part of law school. Or when a student will say that this is why they came to law school – that it brought meaning to their law school career that they might not have found otherwise.

From the other perspective, it's great when we hear from the attorneys working with students. We often hear that they really enjoy the

excitement and enthusiasm of the students show when working on cases. Public interest law is a tough field. It's demanding and there's always so much more to be done. It can seem like a never-ending task. So, the attorneys really appreciate this program because it has given them the chance to work with so many students and inspire them to follow in their footsteps.

SR: Working with students is a wonderful part of the job. I completely agree with you on that part. It's one of my favorite things too. Speaking of and talking about students – how has the mandatory pro bono service requirement impacted their career? Looking globally at the student body, how do you think the mandatory pro bono project or just pro bono service in general in law school impacted their careers?

JJ: One is the mandatory element, and then just the fact that they're doing pro bono. I think just doing pro bono helps law students recognize the range of legal problems that exist, and the interconnection of legal problems with mental and physical health problems and lack of education. I think it makes them not only better lawyers, but also better informed citizens. They're better able to contribute to the community once they graduate.

Also, I think pro bono was the original, quintessential, experiential learning. Now, of course, law schools nationally recognize the need and are focused on expanding experiential opportunities. But this, often on a smaller scale, is the students' first opportunity to gain experience there outside of the classroom – they're working with actual lawyers, seeing what possibilities are out there, and seeing the demands of the practice. Sometimes this is their first chance to interview a client, to work with real clients, and see what a difference they can make with law. I think that experience is so amazing. The irony is that what started the pro bono program was recognizing the need of the community. However, at the same time, it is just an incredible benefit to the students.

Regarding the mandatory element, I think the advantage of a mandatory program is the focus it gives many students. Even if they have inclinations to volunteer and would like to donate to the community, law school seems high pressured and law students feel like there is so little time for anything else. Sometimes student tend to put on the back burner activities that maybe should be given higher priority. However, because it's mandatory, because it's part of the program, it means that every student does have some involvement in pro bono. They can't wait until after they graduate. I think that has been a good thing. There have been some students that told me, "had it not been for this, I have to admit, I wouldn't have found out what was going on at the Fairhousing Action Center." I'm so glad not only that sometimes it leads to their chosen career, but it opens their eyes to possibilities that they would not have known existed otherwise.

SR: I frequently find that I hear the same things, and I agree with you completely.

JJ: You all have a program too – is it voluntary or mandatory?

SR: Voluntary.

JJ: It's voluntary. Whenever I say the good things that are mandatory, I don't want to offend any type of voluntary program. There are certainly pluses and minuses on both sides.

SR: No! You know, I'm very fortunate here at Baylor. We have a very good culture of pro bono service, and all students are encouraged. In fact, even though it's voluntary, we have about a 100% participation rate through school-organized activity.

JJ: Do you really?

SR: So, for example, what gets most of them started is at orientation. We just schedule a community service project, and every entering student goes through this three-hour project. Many of them go on from there to volunteer in many other ways and in many other capacities. We just encourage them and record that in any way we can. We have been very successful in that so far.

JJ: If you can get everyone to do it voluntarily, more power to you. That's lovely.

SR: So far, so good. We'll see how that continues, but it's been like this for several years.

JJ: That's what you want, right?

SR: Yes.

JJ: If they're going to volunteer in law school, that's got to increase the possibility of them going to volunteer to do pro bono once they're practicing.

SR: Exactly.

JJ: The other advantage that I wanted to mention – the pro bono projects that involve private practitioners often help lawyers that are reluctant to step out of their specialty interest. For example, they might say, "No I can't help with a family law case because that's just not my field," or, "I can't help with drafting a will because I've never done that." I think what's nice about the students doing pro bono is that they realize that even without in-depth background in these areas, there are many activities where they can really make a contribution as long as there are more seasoned practitioners there to guide them. Of course, we've also got these great materials that give them instructions. So, I do think pro bono programs can be helpful getting lawyers to do pro bono once they're in practice. They find out in law school that what they could even do as a second year student could make a big difference. Hopefully that will help fill that gap.

SR: Excellent point. Have you had any students that, after going through the pro bono program, go into public service careers that wouldn't have otherwise? Have you found that many students do that after going through the mandatory program?

JJ: Yes! Actually, there are a number of students. Sometimes they discover areas of law that they hadn't even thought about pursuing or the agencies they volunteered with decided to not let them go. For example, we've had a number of students that have volunteered at the NLRB [National Labor Relations Board]. That might lead them to recognizing other areas in labor law that they wouldn't have encountered before. So, I think it does encourage them to consider public interest law careers. We've certainly got a lot of examples of where students have come back and said, "but for pro bono, I wouldn't have gone this direction," or, "I've changed. Before I came to law school, I thought I wanted to just be a litigator in this particular setting, and I realized that there are so many other things I can do, and so many other possibilities."

SR: That's incredible. Switching gears – what have been the challenges over your career? Starting a program, I would think that there were lots of challenges that you faced. Especially when pro bono programs were not common in the country when you started.

JJ: One of the major concerns often raised when other schools contacted us about starting a program, or when we worked on this at the beginning, was that people were worried that there were not enough legal services organizations in our communities. For example, saying “we’re rural, we’re a small town, etc.,” or, “we want to have a broad-based, perhaps mandatory, pro-bono program, but we don’t think we can pull it off because the opportunities might not be there for the students to earn the hours.” I do believe that is a challenge. For us, in the beginning, it was really a new concept both ways. The challenge was finding the organizations that could use students and making sure that you find a placement that’s beneficial to the organization. Working with volunteers takes time; and it’s a contribution on the part of the supervising attorney and the organization. The volunteer has to have structure, and to supervise and oversee the work of the student – who is sometimes very new to this area of law. That’s clearly a challenge that we all face. However, over time, it certainly gets much easier.

In the beginning, we had a fairly small list of possibilities. However, it expanded every year, and it’s amazing. The benefit of that is in the opportunities for the students. The students can now pick and choose and there are so many different subject matter areas. So, the challenge lessens over time because you do have this broad range and you have organizations that truly enjoy having students. Those organizations have also learned how best to use the students to the benefit of all.

SR: Absolutely. Given your incredible tenure in this career and incredible history with it, what do you see for the future of law school pro bono programs?

JJ: Based on the expansion that I’ve seen in almost three decades, I don’t think it’s far-fetched to foresee that pro bono will be an essential component of every law school curriculum – either in voluntary or mandatory form. There will be programs available to all students and that there will be an expectation and participation rate on the part of the student body. So, I think that’s certainly the trajectory and that it’s a lovely thing.

SR: What challenges do you see as more schools are going to full participation pro bono programs across the board?

JJ: Well, I think the challenge is sometimes just organizing it all. Those of us within a community where there are several law schools, the challenge is partly working together – both in pro bono and in externships. Part of the challenge is that there is a push to have more experiential activities. In addition, some of those activities are for academic credit. It’s a challenge working all those factors in together so you don’t lose the multiple volunteer opportunities. So, I think primarily it will be the logistical challenges.

I also think that another interesting challenge is offering pro bono activities that comply with various state bar requirements. Especially when those requirements are not consistent. For example, in the New York bar requirement and in the upcoming California pro bono requirement, there are different definitions of pro bono, different ways of certification, and different timing. Further, just eliminating confusion – what is pro bono? What satisfies these requirements? What’s best for our law students? What’s the most meaningful experience for them that benefits the community?

SR: All good points and I agree – those are all points that we need to figure out.

JJ: So what is Texas working on? Does Texas have anything in the works at this point?

SR: No, we don’t. The law schools are, however, working closely with the state bar and the Texas Access Justice Commission on making sure that all the law schools have robust programs and that they’re trying to get students involved. So right now, there is not talk about a mandatory pro bono hour requirement. The conversation has mainly focused on boosting the participation of law schools and lawyers. Before making it mandatory, they really want to see if they can encourage everyone to do it voluntarily first.

JJ: No that sounds like a more Texas approach.

SR: It does.

JJ: And if it works, that’s terrific. You do have a number of really strong law schools in Texas, so you’ve got an interesting challenge right there. Certainly is a greater number than we have here in this state. Very interesting.

SR: It’s going to be interesting to see how it turns out. I’m curious to see how it goes. We are making, as a bar and as a group of law schools, significant progress. It’s just the age old question – “is it enough?”

JJ: Yes.

SR: Last question: what advice do you have for other pro bono program coordinators?

JJ: Enjoy this privilege. What a wonderful privilege for those of us with law degrees – to have this opportunity to not only do good but to multiply the benefits by providing pro bono opportunities for your students. So, enjoy the privilege and then have faith and patience, because I do think it can be challenging. It can be challenging to find the right fit for every student, and to place every student where they can be productive and learn something, and have a positive experience. However, with patience and perseverance, it works out.

SR: Absolutely. I think that’s great advice. Thank you Julie.

Enjoy this privilege. What a wonderful privilege for those of us with law degrees – to have this opportunity to not only do good but to multiply the benefits by providing pro bono opportunities for your students.”

*Julie Jackson
Retired*



When this article was proposed, we had hoped to report on the final outcome of a four year process to enact experiential and pro bono requirements for all California State Bar applicants. Instead, we are writing to update you on the ongoing saga in our state – in the State Bar and in the State Senate – to determine exactly how California will initiate ways to prepare its newly admitted lawyers for practice.

In 2012, the California State Bar Board of Trustees began the process of bar admission reform by creating a Task Force on Admissions Regulation Reform (TFARR). The TFARR (made up of leaders in the legal community from across the state) was charged with examining whether the State Bar should develop a regulatory requirement for a pre-admission competency training program. In 2013, after two years of work, TFARR concluded that a new set of training requirements focusing on competency and professionalism should be adopted in California in order to better prepare new lawyers for successful transition into law practice. Their recommendations included:

- A pre-admission competency training requirement of 15 units of practice-based, experiential course work to be fulfilled prior to admission;
- A pre- or post-admission requirement of 50 hours of legal services is specifically devoted to pro bono or modest means clients; and
- A post-admission requirement of 10 additional hours of Mandatory Continuing Legal Education (“MCLE”) courses for new lawyers focused on law practice competency training.

TFARR II was authorized and created to devise an implementation plan for the above proposals. After additional hearings, open meetings and invitations for public comment, a final report was drafted and unanimously adopted by the Board of Trustees in November of 2014. Then, no movement was made on the recommendations. However, since that time, a number of groups have publicly and privately expressed strong opposition. The AALS Deans Steering Committee has issued a public statement admiring the spirit of TFARR yet opposing the 15-unit requirement and recommending that California align bar admission requirements with the ABA’s (and NY’s) six-unit requirement. See: <http://www.aals.org/aals-newsroom/aals-deans-steering-committee-issues-statement-on-the-california-task-force-on-admissions-regulation-recommendations-tfarr/>. A group of CA law school deans and the ABA Section on Legal Education and Admission to the Bar have also publicly supported reducing the 15-unit recommendation to six units. Additionally, some law school administrators, most notably not from California, leveled criticism that TFARR rules intrude on law schools’ priorities and pedagogy. Finally, the CA State Bar has been through a difficult leadership transition and audit. See: <http://www.latimes.com/local/lanow/la-me-ln-state-bar-audit-20160513-snap-story.html>.

The new Executive Director has proposed amendments to the work done by TFAAR, and would like these new amendments to go out for public comment. The Executive Director and her staff appear poised to make a formal recommendation to the Board of Trustees on July 21-22nd in Los Angeles. Many leaders in the legal community who were involved in the work of TFARR I and II are concerned that the staff will recommend moving forward with a six unit experiential requirement instead of the 15-unit requirement, to mirror the ABA. It is TFARR’s position that 15 units should be phased in, and 15 units should be the goal as the working group was very thoughtful during the four year process to create an implementation plan that encourages innovation for experiential education, and ensures greater competency of new lawyers. Complete information and the text of the original TFARR recommendations are available at the TFARR pages on the Bar’s site here.

On the other hand, the most significant proposed change by the State Bar to TFARR’s recommended 50-hour pro bono requirement is for all the pro bono hours to be completed pre-admission. The California Senate has been working on a simultaneous track to pass a law that provides for its own pro bono requirement. CA Senate Bill 1257 introduced in February and last amended in June would require CA State Bar applicants, prior to admission, to complete at least 50 hours of supervised pro bono legal service. The Bill tracks closely with the TFARR pro bono recommendations and Rule 6.1 of the ABA’s Model Rules of Professional Conduct.

If the Bill passes CA State Bar admittees will have to complete at least 50 hours of pro bono legal service prior to admission. The Senate’s stated purpose of this pro bono requirement is “to supplement the applicant’s legal education with practical legal work experience and expose the applicant to the professional value of pro bono legal service for the public good”. See http://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=201520160SB1257

The Senate Bill has defined pro bono legal service broadly and includes: work without compensation from the client who receives the legal service that is designed to benefit the public interest or persons who are indigent or of modest means for one of the individuals, organizations, or programs listed in subdivision (d) that is for one of the following purposes:

- To secure or promote access to justice, including, but not limited to, the protection of civil rights, civil liberties, or public rights.
- To address the economic, health, and social needs of persons who are indigent or of modest means.
- To further the purpose of a charitable, civic, community, governmental, or educational organization where payment of the market rate for legal fees would significantly deplete the organization's resources or would otherwise be inappropriate.

And the pro bono work may be supervised by:

- A member of a law school faculty, including part-time faculty, or an instructor employed by a law school.
- A person with the appropriate licensing to represent the client before the relevant judicial body or government agency, which includes, but is not limited to, an active licensed attorney in good standing.
- An active licensed attorney in good standing.

Applicants can perform the pro bono work in an attorney incubator program, an externship, law school clinic or other placement approved for credit hours by a law school or law school-sponsored project, or a law firm, as long as the work otherwise meets the criteria of the section. Applicants would also be allowed to receive compensation, including a salary or grant funding, for performing pro bono legal service. The 50 hours of pro bono legal service would have to begin after the commencement of legal studies but prior to bar admission.

While the Senate Bill would place the responsibility on the State Bar to track applicants compliance with and completion of the requirement, it would place the burden on law schools to post information on their websites about the requirement and a regularly updated link to qualifying opportunities including times and dates. As written, it seems this will place a significant administrative burden on law schools in California and elsewhere to identify volunteer opportunities for their students to comply with this new rule. The pro bono requirements would apply to all applicants who enter law school on or after January 1, 2018.

Stay tuned for more updates on both the CA State Bar and Senate efforts to initiate requirements for new applicants for admission ... we will let you know how it all turns out in a future edition of this publication!

Submitted by,

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Editor's Note:

This is an ever evolving topic. The Section will make every attempt to keep our members informed about any major developments. Significant changes we will published in the Newsletter and on our AALS Listserv.