

# Pro Bono & Justice

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

Tara Talks

December, 2016

Dear Friends,

I cannot tell a lie. I have wrestled with this letter for some time now. Following the recent election, and the season preceding it, we have been inundated with messages of what is wrong in our country. This messaging has permeated our classrooms as well, with many students wearing their fears and their hopes more prominently on their sleeves than before. And we, as professionals and educators, must process our own feelings and thoughts as we assist our students digest theirs.

What has struck me in this period of uncertainty, though, is the certainty of our mission. No matter the day, the week, the month, or the year, we are each committed to furthering social justice in our community. No matter the barrier, the difficulty, the setback, or the challenge, we each strive to model for our students a professional commitment to bridging the access to justice gaps in our society. Nothing has changed that. Indeed, many of us may feel a new urgency in our purpose.

And we are not alone. Not only do we have colleagues in our own institutions and in our legal communities, we have each other – a web of educators and advocates that stretches across this country. I encourage you all to reach out to this network for ideas or support, or just for the reminder that you are not alone. If you are not sure where to start, I encourage you to begin with this Section's leadership. It has been my pleasure to serve with them over the past few years, and their generosity of time and knowledge is limitless. I was once told that there is no territoriality in the work that we do, and I have yet to see any evidence to the contrary.

I also hope to see you all at the AALS Annual Meeting in San Francisco this January. We have a tremendous program planned that will explore how technology is being used to increase access to legal services, followed by an awards ceremony that will recognize this year's recipients of the Deborah Rhode and Father Robert Drinan Pro Bono Awards. We will also have an informal meeting of our new Race and Social Justice discussion group, which is open to all who are interested.

Innovation. Inspiration. Connection.

What our Section is all about, and what we could sure use more of in the world.

Y'all take care,  
Tara

# Section Business

## Leadership Update

This past Fall, the Chair-Elect of our Section, Michele Storms (University of Washington) accepted an offer to join the ACLU of Washington as its Deputy Director. What has been the ACLU's gain is definitely a loss to the academy, as Michele has been a steadfast leader in legal education and civic engagement. We can only imagine the tremendous contributions she will make to both the state of Washington and our country as a whole in her new role, and we wish her the greatest of success in the future.

Due to her departure, the Chair-Elect position in our Section became vacant, which affected the matriculation plan for our Section's leadership. To all of our benefit, we have a very deep bench among our colleagues, and I am very excited to share that Tom Schoenherr (Fordham University) has agreed to step into the role of Co-Chair of our Section. Tom is the Assistant Dean of the Public Interest Resource Center at Fordham Law, and a long engaged member of our Section. He has served as Section Chair in the past, and most recently has served as Section Treasurer. At our Annual Business Meeting in January, I will submit a proposal to the Section for consideration which would install Tom as Co-Chair for the coming Section year, with myself continuing in a leadership role as Co-Chair as well.

If you should have any questions or concerns, please do not hesitate to contact me (Tara Casey) at [tcasey@richmond.edu](mailto:tcasey@richmond.edu).

## Call for Nominations

It is hard to believe that the Section year is almost at an end! As we prepare for the coming Section year, we also need to determine who will comprise our Section leadership. A formal slate of candidates will be proposed at our Annual Business Meeting for the following positions:

Chair-Elect

Treasurer

Secretary/Awards Committee Chair

Communications Chair

At-Large Member (3)

If you would like to nominate yourself or another member of our Section for a leadership role, please contact Tara Casey at [tcasey@richmond.edu](mailto:tcasey@richmond.edu) before December 15, 2016.

## Current Section Leadership

[Tara Casey](mailto:tcasey@richmond.edu), Chair, [tcasey@richmond.edu](mailto:tcasey@richmond.edu)

[Michele Storms](mailto:mestorms@uw.edu), Chair-Elect, [mestorms@uw.edu](mailto:mestorms@uw.edu)

[Tom Schoenherr](mailto:tschoenherr@law.fordham.edu), Treasurer, [tschoenherr@law.fordham.edu](mailto:tschoenherr@law.fordham.edu)

[Jennifer Tschirch](mailto:jt1133@law.georgetown.edu), Secretary and Awards Committee Chair, [jt1133@law.georgetown.edu](mailto:jt1133@law.georgetown.edu)

[Carolyn Goodwin](mailto:cgoodwin@bu.edu), Immediate Past Chair, [cgoodwin@bu.edu](mailto:cgoodwin@bu.edu)

[Pam Robinson](mailto:robinspd@law.sc.edu), Communications Director, [robinspd@law.sc.edu](mailto:robinspd@law.sc.edu)

[Marni Lennon](mailto:mlennon@law.miami.edu), Membership Committee Chair, [mlennon@law.miami.edu](mailto:mlennon@law.miami.edu)

[Christina Jackson](mailto:cjackson@nalp.org), Collaboration Committee Chair, [cjackson@nalp.org](mailto:cjackson@nalp.org)

# 2017 ANNUAL MEETING

## 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  
ACLU of Washington

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

## 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 AALS conference. We hope you will join us!





## 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](mailto:SECTPB@lists.aals.org) or logging into the section website at <http://connect.aals.org/probono>.

You 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 start posting.. 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](mailto:support@aals.org).

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

## AALS PRO BONO & PUBLIC SERVICE OPPORTUNITIES AWARDS

The AALS Pro Bono and Public Service Section has selected the recipients of the [2017 Deborah L. Rhode](#) and [Father Robert Drinan](#) Awards from an impressive field of nominees. The Deborah L. Rhode Award is 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 is 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. The purpose of these awards is to honor those who have dedicated significant efforts toward increasing access to justice both through their own actions and by inspiring others.

The recipient of the [2017 Deborah L. Rhode Award](#) is [Jennifer Gundlach](#), [Clinical Professor of Law at Hofstra Law](#). She created the position of dean of experiential learning at Hofstra in 2012 in an effort to centralize the law school's clinical and externship programs, field studies and pro bono projects. In that capacity, she oversaw the expansion of Hofstra's pro bono offerings for students, implemented the law school's Pro Bono Scholars Program, launched the first semester in practice program and revived the Public Service Awards Program to honor graduating students who have devoted considerable time to public service.

Professor Gundlach has played a significant role in creating and strengthening opportunities for Hofstra law students and new lawyers to engage in social justice work, in addition to engaging in the broader access to justice movement in New York.

## AALS PRO BONO & PUBLIC SERVICE OPPORTUNITIES AWARDS

Professor Gundlach played a critical role in the establishment of Hofstra's Gitenstein Institute for Health Law and Policy, which engages students, alumni and health care consumers and providers to develop new approaches to offering to high quality health care to those who can't afford it. She also established Hofstra Law's Access to Justice Incubator, enabling four postgraduate fellows to assist low-income clients with a range of issues. In the words of one of her colleagues, Professor Gundlach "has, quite simply, changed the face of education at [Hofstra.]" In addition to her work at the law school, Professor Gundlach serves as Co-Chair to the Access to Justice Council and is a member of the Nassau County Bar Association Access to Justice Committee, as well as the NY State Pro Bono Scholars Program Committee.

The Section chose [Paolo Annino, Glass Professor of Public Interest Law, Florida State University College of Law](#), as recipient of the [2017 Father Robert Drinan Award](#) in light of his longstanding commitment to ad-

In addition to being an outstanding advocate, Professor Annino earns high praise from his students as a teacher and mentor: "I know I will be a better lawyer because of Professor Annino."

addressing the legal needs of low-income clients, first as a legal services attorney and public defender and then as Co-Director of FSU's Public Interest Law Center and Director of the Children's Advocacy Clinic. He has created two projects targeting the needs of youth: the Children in Prison Project, in response to the state of Florida taking the lead in placing children into the adult criminal justice system; and the Health Care Access Project, developed in response to Florida's cutting home health services for medically fragile children. The results have been far-reaching, to say the least: for instance, more than 13,000 chronically ill children who had been wrongfully excluded from needed medical care regained eligibility.

His scholarly work is also noteworthy. He co-authored with Clinic students "Juvenile Life Without Parole for Non-Homicide Offenses," which has been cited by the Supreme Court, and "The Miller Resentencing Project Report," the goal of which is to ensure that inmates receive fair and just resentencing hearings. The Florida Bar Foundation, a long-term funder of Professor Annino's work because of its positive results on behalf of the state's most disadvantaged, refers to him as "a Florida treasure for [its] children who need help most."

The Executive Committee thanks the Awards Selection Committee for its thoughtful consideration of all of the worthy nominees: Tara Casey (University of Richmond School of Law), Jill Friedman (Rutgers Law School), Carolyn Goodwin (Boston University School of Law), Christina Jackson (NALP), Tonya Jupiter (Tulane Law School), Marni Lennon (University of Miami School of Law), and Jennifer Tschirch (Georgetown Law).

The Awards presentation will be held after the Section Program on January 4th at the AALS Annual Meeting

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](mailto:tcasey@richmond.edu)

An initial conversation will be held during the AALS Annual Meeting. If you want to be notified of the date, time and location make sure you ask Tara to put you on the list. Let's talk, listen and act!





## 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.

**Welcome to our two newest members:**

We are so pleased to welcome **Marissa LaVette**, Assistant Staff Counsel for the ABA Center for Pro Bono, and **Tiffany Murphy**, who is a CLEA Board Member and an Associate Professor of Law at the University of Arkansas School of Law in Fayetteville. We are thrilled to have them on our team.

## Conference recaps and upcoming RFP deadlines:

**PSJD Mini-Conference:** Last month ninety-one law school professionals involved in government and public interest career advising and managing law school pro bono programs convened for a day long program in advance of the Equal Justice Works Conference and Career Fair, which brings together law students and employers nationwide for an interview program and informational sessions. The day began with an inspiring plenary on overcoming barriers in diversity in public interest law by Deborah Vagins, Chief of Staff and Principal Attorney Advisor in the Office of Commissioner Charlotte A. Burrows at the EEOC. She emphasized both the barriers we still need to overcome, such as the need for more women in management positions, and the gains we have already made in increasing diversity in public interest law offices. In addition to networking and information sharing among colleagues, the break-out sessions included professional development hot-topics; building practice-ready graduates through pro bono and externship programs; post-graduate fellowships; and the challenges in counseling new graduates and alumni. The event was truly a terrific way to develop professionally and to connect with thoughtful and committed colleagues around the country. And, if you need additional information, contact *Christina Jackson at NALP at [cjackson@nalp.org](mailto:cjackson@nalp.org)*.

**National Legal Aid and Defender (NLADA) Conference:** Over 900 members of the civil and defender communities gathered in Indianapolis last week to reflect on the fundamental values of these communities and their contribution to the foundation of our country's promise of equal justice under law. Vanita Gupta, Principal Deputy Assistant Attorney General and head of the Civil Rights Division at the U.S. Department of Justice gave opening remarks on the critical roles that legal aid lawyers, civil rights lawyers and public defenders play in helping to vindicate the rights of vulnerable communities – highlighting that poverty, access to justice, police misconduct, criminal justice reform are not isolated issues. They are one struggle that demands our urgent engagement. The conference provided the opportunity for advocates to gain the tools they will need to challenge instances and in some cases systemic injustices in their communities at home and provided a place to develop new partnerships to advance the cause of justice for all. Thank you to Jamie Odell, Equal Justice Works Senior Manager, Alumni Relations for the recap.

**Equal Justice Works 2016 Conference and Career Fair** brought together more than 1,200 law students to interview with more than 165 public interest employers from around the country. Law school professionals joined students and employers to participate in the concurrent Conference, which included sessions on a range of public interest careers, managing student debt, and student entrepreneurship. Additionally, attendees listened as U.S. Supreme Court Associate Justice Elena Kagan was interviewed by Judge Ann C. Williams of the U.S. Court of Appeals for the Seventh Circuit about Justice Kagan's public interest law career. Conference participants also heard consumer advocate Ralph Nader discuss issues and challenges in the current legal system. Many students also participated in a Pro Bono Day of Service at an intake clinic for unaccompanied

immigrant children in the D.C. Metropolitan area. Throughout the entire Conference and Career Fair, students, as well as employers and law school professionals, had the opportunity to network amongst themselves and connect over shared interests and ideas.

## In other news:

Part of collaborating means sharing information, including best practices. The collaboration workgroup has proposed a series of small, topic-specific best practices guides centered around one topic area. As such, the workgroup has begun a list of topics, and we need your input. The workgroup seeks your feedback on the most pressing topics for you. What do you need in a best practices guide? Below is an initial list of topics. Please let us know if these resonate with you. What are your top 3 or are there other topics you need addressed? You can provide your feedback to *Christina Jackson at [cjackson@nalp.org](mailto:cjackson@nalp.org)*. Please provide any and all feedback by Monday, January 9, 2017.

### Topics:

Cultivating Volunteers  
Cultural Competency  
Client-Centered Collaboration  
Knowledge Management  
Covering Costs  
Creating Practice-Group Type Structures to Your Volunteers and Lawyers  
Setting Expectations  
Special Volunteer Groups  
Training Volunteers  
Supervising Volunteers  
Thorny Ethical Issues  
Holistic Help (referrals)



### 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](mailto:cjackson@nalp.org)*.

“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

## 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**
- April 19-22, 2017**                **NALP Annual Education Conference**  
**San Francisco, CA**
- 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](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

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

## PopUp Survey Question #3

What role does your pro bono program have during Orientation?

Please write a short paragraph describing your role, and if you would like more or less, describe the issues you are encountering.

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We are given about 30 minutes to talk to the graduate students orientation but no time to talk in the JD student orientation. Our program is mentioned by administration and others but that is it. We would like more time. The decision not to include us more is made by administration, which is concerned with keeping the program focused narrowly on what it thinks students want. Instead, we very quickly hold a pro bono fair and also participate in the student organization fair to advertise pro bono opportunities. These have worked reasonably well for us in reaching students.

*Carwina Weng*

*Indiana University Maurer School of Law*

*wengc@indiana.edu*

I speak at a 60-90 min. session, often with a Federal judge and law firm partner, emphasizing the importance of pro bono during law school to prepare students for clerkships and jobs with firms. Of course we also discuss the benefits of pro bono for those hoping to go into public interest.

*Anna Davis*

*UC Irvine School of Law*

*adavis@law.uci.edu*

During orientation we hold a panel that all students attend that has clinical faculty and public interest students presenting, moderated by myself as Director of Public Service Programs. This fall the title of the program was: Experiential Programs Presentation. The description was: Southwestern is committed to public service and encourages and recognize students who perform volunteer work during their law school experience. Professor Laura Cohen, Director of Public Service, will discuss various opportunities available for you to make a difference in our community while learning lawyering skills that will be valuable in any career. She will discuss the details of the Public Service Program, how students can participate starting as 1Ls, on-campus opportunities with various student groups that support public interest, and summer grant funding for the future. In addition, we discuss clinic opportunities and pathways to a public interest career and helping the justice gap with pro bono. Following, the Legal Clinics host an 'open house' for all new students to come by and see the space, and meet the faculty and current students. We also share materials regarding our Public Service Program as well.

*Laura Dym Cohen*

*Southwestern Law School*

*lcohen@swlaw.edu*

We speak about the importance of pro bono during one of the Orientation programs, but we also host an Orientation Service Project with sites all across the city. The goal of the OSP is to encourage students to connect with their new city home, connect with each other beyond ice breakers, and connect with a spirit of service

that will hopefully continue.

Right now, the OSP is not mandatory, and we often have 1/2-2/3 participation of the class. I would love to see that number increase but not sure how to do so without making it mandatory.

*Tara Casey*

*University of Richmond School of Law*

*tcasey@richmond.edu*

We briefly mention our pro bono program to the incoming students at orientation, but nothing more than that. Because of the overwhelming amount of information they have to digest during those first few days, we have found it more fruitful to save a full introduction to the program until later in the semester.

*Derek Van Volkenburgh*

*University of Maine School of Law*

*derekv@maine.edu*

Sadly, for the past two years the Pro Bono Program has not been allotted a spot on the agenda in our 2-day orientation program. I have created a brochure outlining the benefits of pro bono and need for pro bono service, and describing the pro bono projects offered at our school that are most suitable for 1Ls, and it is included in the orientation materials incoming students receive. I believe the resistance to giving pro bono greater prominence in orientation stems from the view that 1Ls need to focus exclusively on academics during at least their first semester, if not their entire first year.

*Page Potter*

*North Carolina Central University School of Law*

*ppotter@nccu.edu*

I speak to students as part of the formal orientations for incoming 1Ls and - separately - for transfer students on both our campuses. Last year, I also met with our incoming Minority Student Program students for a substantive session about the criminalization of poverty. Every year we conduct a service project for incoming students and leaders of our student public interest group, and this year we also held a special session (after the service project) for our incoming Social Justice Scholars cohorts. Our various pro bono projects are represented by student leaders at the annual organizational fair.

*Jill Friedman*

*Rutgers Law School*

*jill.friedman@rutgers.edu*

We shared information and encouraged students to sign the pro bono pledge at the organization fair at 1L orientation. We also held a public interest break-out session during 1L orientation where we highlighted the pro bono program. I am always looking for new ideas to further develop these initiatives.

*Carolyn Goodwin*

*Boston University School of Law*

*cgoodwin@bu.edu*

We have a 30 hour pro bono graduation requirement for our JDs and are ecstatic that our graduating classes each year complete substantially more hours than the minimum required. Our class of 2016 volunteered 19,488 hours of pro bono (averaging 81 hours/ student) and we brag about this accomplishment and celebrate it during Orientation and throughout the year. To encourage this sense of responsibility to give back to the community, we implemented a community service project 2 years ago during Orientation for the entire first year class that is coordinated by my office. While this project is community service rather than pro bono legal assistance, we think the experience of helping others through the service project helps to set a positive tone for the start of their studies and helps generate a culture of giving and responsibility. We do not allow our students to begin completing their pro bono hours until after they have completed their first year of law school. So, while we introduce the pro bono requirement at Orientation, and give them a community service project to participate in, we hold off on delivering our "Public Service Orientation Program" until January of their first year, just before we bring over 50 public service legal programs on campus for our annual Public Advocate

Day (our public service career fair).

*Laura Burstein, Director of Public Service and Academic Success*

*SMU Dedman School of Law*

*lburstein@smu.edu*

In the Fall of 1987, Tulane initiated the nation's first mandatory pro bono program (20 hours) for the benefit of those members of our community who might not otherwise have access to justice--the underprivileged and the underrepresented. 29 years later, Tulane places an even higher value on this benefit to our community and responsibility to the *professio* by increasing the pro bono graduation requirement to 50 hours (starting with the Class of 2018). Orientation for incoming classes includes a presentation by the Office of Experiential Learning and Public Interest Programs that provides an overview of the array of public interest organizations, government offices, judicial externships and clinical programs available to students. Our students are also invited to participate in a day of service to local pro bono partners. This year it was the Orleans Public Defender. Finally, the Annual Pro Bono Fair is held every September to assist in the placement of our students with local Public Interest Partners who work to address the many unmet legal needs in our community. Students meet the supervisors and have the chance to ask questions about the needs and activities of these non-profit organizations and private practitioners. This is an excellent way to encourage our students to seek public interest opportunities that closely align with their interests and instill in our students a sense of their responsibilities to the community when they become members of the bar.

*Tonya Jupiter*

*Tulane Law School*

*tjupiter@tulane.edu*

We have a community service day, called Service Day, and I usually do a short speech to encourage folks to consider pro bono during the post-Service Day BBQ/dinner event.

*Amy Sankaran*

*University of Michigan Law School*

*aharwell@umich.edu*

All first year students are invited to participate in a community service project during orientation. It is the only time Touro hosts a non law related pro bono effort.

*Thomas Maligno*

*Touro*

*thomasm@tourolaw.edu*

None. We don't currently have a formal pro bono program. (sad face).

*Lisa Mead*

*UCLA*

*MEAD@law.ucla.edu*

We host a day of service for all entering law students. They are stationed across the county and led by upper-division students. Last year, we had 320 participants. This has gone well. What I hope to enhance is the focus on pro bono and professionalism in the standard orientation program and presentations by the Dean and faculty.

*Marni Lennon*

*University of Miami*

*mlennon@law.miami.edu*

We do an information session that includes our pro bono requirement and how to fulfill it, as well as our experiential offerings. It's about one hour and we think it is plenty given how overwhelmed the 1Ls are at that time.

*Eliza Vorenberg*

*RWU Law*

*evorenberg@rwu.edu*

The director of our pro bono program gives a presentation to all new students during orientation, and also visits each class “section” to invite the students to sign our pro bono pledge.

*Eden Harrington*

*University of Texas School of Law*

*eharrington@law.utexas.edu*

As the Director of the Pro Bono Program I present a 30 minute talk during the week long Orientation. In addition, we end the week with an afternoon Service Project, sending the entire new class, their peer mentors, the Dean and members of the faculty to over 15 locations. Many sites are places where we have ongoing pro bono projects but during the Service Project they get information, an introduction to the organization, a time to bond and a sense of accomplishment doing old fashion volunteer work! During Orientation the Service Project is introduced by way of a skit lead by the Dean. We have been a part of Orientation for 27 years and have conducted the Service Project for 9 years. A real time blog is used to collect stories and photos of the Service Project. Electronic information is included in the Orientation material.

*Pamela Robinson, Director, Pro Bono Program*

*University of South Carolina School of Law*

*Robinspd@law.sc.edu*

At Baylor Law School, we strive to create a culture of service and develop our students into servant-leaders. This begins at Orientation, where we dedicate time to discussing the importance pro bono and public service and the opportunities they will have at Baylor. To conclude Orientation, all of our students participate in a service project working with local non-profit organizations

*Stephen Rispoli*

*Assistant Dean of Student Affairs and Pro Bono Programs*

*Baylor Law School*

*Stephen\_Rispoli@baylor.edu*

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## **Four Years Later: A Review of New York’s 50-Hour *Pro Bono* Rule**

*Thomas Schoenherr, Assistant Dean of Public Interest Resource Center, Fordham Law School*

*Laren Spierer, Director of Pro Bono Programs, Columbia Law School*

*Stephen Rispoli, Assistant Dean of Pro Bono Programs, Baylor Law School*

### **The Announcement**

On Law Day, May 1, 2012, then Chief Judge Jonathan Lippman announced a new requirement for all seeking admission to practice law in New York State. Beginning in 2015, all applicants must complete at least 50 hours of *pro bono* service before submitting an application for admission to the Bar of the State of New York. This requirement was part of a new initiative to provide additional legal resources and expand access to justice for low-income New Yorkers. Chief Judge Lippman recognized that future attorneys must address the legal needs of all Americans.

*We are facing a crisis in New York and around the country. At a time when we are still adjusting to the realities of shrinking state coffers and reduced budgets, more and more people find themselves turning to the courts. The courts are the emergency rooms of our society -- the most intractable social problems find their way to our doors in great and increasing numbers. And more and more of the people who come into our courts each day are forced to do so without a lawyer.*

**-Chief Judge Lippman<sup>1</sup>**

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<sup>1</sup> New York Unified Court System, *New York State Bar Admission: Pro Bono Requirement FAQs*, page 4 (Sept. 24, 2015) <https://www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf> [hereinafter *Requirement FAQs*].

Judge Lippman’s observations have been echoed by many in the legal community. Perhaps most prominently by the American Bar Association’s Commission on the Future of Legal Services. Just this August, the Commission released their “Report on the Future of Legal Services in the United States.”<sup>2</sup>

*Access to affordable legal services is critical in a society that depends on the rule of law. Yet legal services are growing more expensive, time-consuming, and complex, making them increasingly out of reach for most Americans. Many who need legal advice cannot afford to hire a lawyer and are forced to either represent themselves or avoid accessing the legal system altogether.*<sup>3</sup>

The Report also found that *pro bono* efforts by lawyers has a significant impact on the lives of many Americans by meeting their legal needs.<sup>4</sup> Judge Lippman acknowledged this, declaring that “*pro bono* [service] is a core value of our profession . . . if we aspire for all practicing attorneys to devote a meaningful portion of their time to public service, . . . these ideals ought to be instilled from the start, when one first aspires to be a member of the profession.”<sup>5</sup> The country’s first *pro bono* requirement for admission to a state bar had been announced.

## The Rule

Following the announcement on May 1, 2012, Chief Judge Lippman signed the enabling order on September 14, 2012, creating Rule 520.16 of the Rules of the Court of Appeals for the Admission of Attorneys and Counselors at Law.<sup>6</sup> The requirement states that every person seeking admission on or after January 1, 2015 must complete 50 hours of *pro bono* service prior to filing an application for admission to the Bar of the State of New York.<sup>7</sup>

Under the regulations for the rule, the definition of *pro bono* is very broad. The primary determining factor is that the work must be “law related.”<sup>8</sup> To be “law related,” “the work must involve the use of legal skills and law-related activities that are appropriate for lawyers-in-training not yet admitted to practice . . . .”<sup>9</sup> Under the requirement, “qualifying *pro bono* work should be performed in the service of low-income or disadvantaged individuals who cannot afford counsel and whose unmet legal needs prevent their access to justice; involves the use of legal skills for an organization that qualifies as tax-exempt under Internal Revenue Code § 501(c)(3); or involves the use of legal skills for the court system or federal, state or local government agencies or legislative bodies.”<sup>10</sup> This definition is broader than the definition of *pro bono* used for the reporting of hours by practicing attorneys.<sup>11</sup>

2 American Bar Association Commission on the Future of Legal Services, *Report on the Future of Legal Services in the United States* (2016), [http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport\\_FNL\\_WEB.pdf](http://www.americanbar.org/content/dam/aba/images/abanews/2016FLSReport_FNL_WEB.pdf) [hereinafter *ABA Report*].

3 *Id.* at 8.

4 *Id.* at 13-14.

5 Chief Judge Jonathan Lippman, Remarks on Law Day, (May 1, 2012) (transcript available at <https://www.ils.ny.gov/files/Judge%20Lippman%20Law%20Day%20050113.PDF>).

6 Catherine A. Christian and Adrienne B. Koch, *Report on the New York State’s 50-Hour Pro Bono Bar Admission Requirement*, N.Y. Cty. Law. Ass’n, page 1 (Aug. 5, 2014) [https://www.nycla.org/siteFiles/Publications/Publications1708\\_0.pdf](https://www.nycla.org/siteFiles/Publications/Publications1708_0.pdf).

7 See N.Y. Ct. App. R. 520.16(a). While it is possible to receive a waiver from the New York State Bar regarding the requirement, granting of a waiver is unlikely except in “exceptional circumstances.” See *Requirement FAQs*, *supra* note 1, at 17 (Item 43); see also N.Y. Ct. App. R. 520.14.

8 See *Requirement FAQs*, *supra* note 1, at 8 (Item 11).

9 *Id.* Examples include: including “helping litigants prepare for court appearances; assisting an attorney with trial preparation; helping litigants prepare for court appearances; engaging in witness interviewing and investigation; drafting court or transactional documents; or engaging in legal research . . . .”

10 See *Requirement FAQs*, *supra* note 1, at 9 (Item 12).

11 For example, under the 50-hour requirement, a student could earn *pro bono* hours working for any not-for-profit organization qualifying as tax exempt under Internal Revenue Code § 501(c)(3). See *id.* However, a practicing attorney could only report

In addition, the rules allow credit for activities that most law school *pro bono* programs would not. Many law schools do not allow “credit-bearing work, such as law school clinics or externships, or financially supported work, such as . . . internships where the student receives a stipend”<sup>12</sup> to count as *pro bono* work. The theory under this model is that, in the practice of law *pro bono* work is purely done for the benefit of the client. However, under the New York rule, there is no prohibition from counting credit-bearing or financially supported work.<sup>13</sup>

Likewise, many law schools do not count internships for a judge or government agency as *pro bono* work. Certainly, many law schools would count this as public service. However, under the theory that *pro bono* work should directly benefit the un-served and under-served, many would not. The New York rule also counts service for a judge or government agency as *pro bono* work for the requirement.<sup>14</sup> Thus, for example, time spent by a law student working in the law department for the City of New York writing policy decisions on how potholes are filled in New York City streets would count.

Moreover, many activities are specifically disqualified from being counted as they do not qualify as “law related.” These activities include: student-directed projects not supervised by an attorney,<sup>15</sup> research done for a law professor not relating to a *pro bono* project,<sup>16</sup> partisan political activities,<sup>17</sup> and any other activity not “law related.” An example of an activity that benefits the un-served or under-served but is not “law related” would be a tax preparation assistance program where legal taxation issues are not addressed.<sup>18</sup>

Finally, there are practical difficulties of the broad *pro bono* definition – it sometimes leads to inconsistent results. Although the rules specified several examples of qualifying *pro bono* work, students frequently seek permission for specific law-related activities or court appearances.<sup>19</sup> These specific requests, or “student practice orders,” could be authorized “by the Appellate Division of the New York Supreme Court for the specific program in which [the student is] performing *pro bono* work.”<sup>20</sup> Under the current framework, student practice orders are issued by four individual Appellate Divisions, and the rules regarding student practice orders are often different.<sup>21</sup> Further, no student practice order issued by one Appellate Division is binding on another Appellate Division.<sup>22</sup> Without uniformity of rules regarding student practice orders or binding decisions on the Appellate Divisions, legal service providers are often constrained in their *pro bono* offerings, sticking only to the programs that have already been approved.<sup>23</sup>

## The Controversy

The rule’s announcement did not come without controversy. Many felt that the requirement was im-

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hours volunteered for the same organization if the work volunteered “address[ed] the needs of poor persons.” See 22 N.Y.C.R.R. § 118.1(e)(14); see also N.Y. R. Prof’l Cond. 6.1.

12 Liz Tobin Tyler and David S. Udell, *Is the New York 50 Hour Requirement Changing the Future of Law Student Pro Bono?*, Bloomberg Law (Jan. 28, 2013), <http://ncforaj.org/wp-content/uploads/2013/02/tyler-udell-bloomberg-law-law-student-pro-bono.pdf>.

13 See N.Y. Ct. App. R. 520.16(a); see also *Requirement FAQs*, *supra* note 1, at 9 (Item 12), 12 (Item 16).

14 See N.Y. Ct. App. R. 520.16(a); see also *Requirement FAQs*, *supra* note 1, at 9 (Item 12).

15 See *Requirement FAQs*, *supra* note 1, at 11 (Item 13), 13 (Item 22).

16 See *id.* at 12 (Item 17).

17 See *id.* at 13 (Item 24).

18 See *id.* at 12 (Item 19).

19 See *id.* at 8 (Item 11).

20 *Id.*

21 Christian & Koch, *supra* note 6, at 17.

22 *Id.*

23 *Id.*



proper.<sup>24</sup> A great deal of discussion was focused on the burden that the requirement would place on students. Some went so far as to call it “indentured servitude” or “utterly wrongheaded.”<sup>25</sup> These commenters believed that “thrusting a *pro bono* admission requirement” that required more unpaid work on debt-laden law school graduates was a step too far.<sup>26</sup>

Another source of controversy was the burden the requirement would place on law schools.<sup>27</sup> In 2012, many law schools around the country were still feeling the effects of the Great Recession – pressure to “slow tuition growth and share more of their revenues with their parent universities”<sup>28</sup> – and examining every expenditure carefully. Law school deans were concerned that the requirement could have a cost of implementation. This would come primarily in the form of staff to assist law students in finding enough *pro bono* work to satisfy the requirement.<sup>29</sup>

However, there were many supporters of the requirement. Supporters of the requirement felt Chief Judge Lippman’s announcement was necessary to advance access to justice efforts.<sup>30</sup> Esther Lardent, the President and CEO of the *Pro Bono* Institute in Washington writing for the *New York Law Journal*, stated that the legal profession was “experiencing ‘compassion fatigue’ after decades of repeated calls for *pro bono*.”<sup>31</sup> Lardent called Chief Judge Lippman’s announcement “a wake-up call, leaving no doubt of the depth and seriousness” of the access to justice gap.<sup>32</sup> Even so, Lardent was concerned about the implementation of the requirement and the burden it would place on an “already underfunded, frayed and inadequate *pro bono* infrastructure.”<sup>33</sup> In short, many were cautiously optimistic.

## The Challenges

As mentioned above, there were significant concerns about the impact that the requirement would have on students. Unfortunately, there is not yet any empirical data to show what the effects of the rule have had on students. Therefore, time will tell how the rule affects students (and law school enrollment).

As noted above, there was significant concern regarding the impact of the rule on law schools.<sup>34</sup> However, most New York law schools found that they faced few challenges in helping students meet the goal.<sup>35</sup> In large part, most law schools were already well-equipped to help law students complete the 50-hour requirement given the broad definition of *pro bono*. While several law schools expanded their programs to help students meet the 50-hour requirement, the steps taken were not significant hurdles. In fact, none of the New York law schools reported problems matching their students with enough *pro bono* opportunities to meet the

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24 Staci Zaretsky, *New York Forces Pro Bono Requirements Upon Would-Be Lawyers Because No One Else Cares About Poor People*, Above the Law (May 2, 2012), <http://abovethelaw.com/2012/05/new-york-forces-pro-bono-requirements-upon-would-be-lawyers-because-no-one-else-cares-about-poor-people/>.

25 *Id.*

26 *Id.*

27 *New York’s New Pro Bono Requirement Succeeds in Pissing Off Law Schools Nationwide*, Above the Law (Aug. 16, 2012), <http://abovethelaw.com/2012/08/new-yorks-new-pro-bono-requirement-succeeds-in-pissing-off-law-schools-nationwide/>.

28 *Id.*

29 *Id.*

30 Esther Lardent, *Pro Bono as a Prerequisite to Admission: Where Do We Go From Here?*, Nat’l L.J., May 7, 2012, [http://www.nationallawjournal.com/id=1202552675498?id=1202552675498&Pro\\_bono\\_as\\_a\\_prerequisite\\_to\\_admission\\_Where\\_do\\_we\\_go\\_from\\_here&slreturn=1](http://www.nationallawjournal.com/id=1202552675498?id=1202552675498&Pro_bono_as_a_prerequisite_to_admission_Where_do_we_go_from_here&slreturn=1).

31 *Id.*

32 *Id.*

33 *Id.*

34 Tania Karas, *Report Finds NY Law Schools Prepared for Pro Bono Rules*, Nat’l L.J., Aug. 28, 2014, <http://www.national-lawjournal.com/id=1202668350642/Report-Finds-NY-Law-Schools-Prepared-for-Pro-Bono-Rules>.

35 *Id.*

requirement.<sup>36</sup>

Another significant concern related to the ability of legal service organizations to handle the influx of volunteers was a major concern for critics after the announcement of the rule. Generally, legal service organizations had a positive response to the requirement, but had several questions about implementation.<sup>37</sup> However, the rule has had a positive impact for legal aid organizations. The 50-hour requirement means that a great deal of law students are seeking *pro bono* opportunities.<sup>38</sup> While this presents challenges, with advanced processes and procedures, this steady flow of volunteer help could lead to an expanded maximum case load and services offered.<sup>39</sup> Further, for those organizations that are primarily referral organizations, the supervision of law students working on the *pro bono* case will largely fall on the attorney that has accepted the case.<sup>40</sup>

The final challenge, and perhaps the most important, is the collection of data regarding the 50-hour requirement. Currently, there is no centralized collection of data by the New York Courts.<sup>41</sup> Each applicant sends the form affidavit of compliance as one part of their entire application to the judicial department under which they are seeking admission.<sup>42</sup> With four separate divisions, the total collection of data would be complicated.<sup>43</sup> Further, the form affidavit of compliance is a paper form submitted to the New York Courts.<sup>44</sup> This simple fact means that analysis of the hours coming in would require significant dedication of staff resources which the NYS courts currently do not have to compile all the data into an electronic database for analysis. In addition, there are confidentiality concerns regarding these applications for bar admission.

Without centralized collection of data, several questions about the effectiveness of the rule have been raised. How many people is this really helping? Is the requirement achieving the objective it was created to meet? Is this really addressing the areas where *pro bono* is really needed? Is it providing law students with useful practical experience? Will the rule instill professional responsibility in students so that they continue to take *pro bono* cases throughout their careers? Unfortunately, it will be difficult to answer these questions until the data can be analyzed.

### **The Best Practices for Law Schools: Helping Students Meet the Requirement**

*It is my hope that New York will serve as the trendsetter nationally in requiring pro bono service for admission to the bar and in recognizing that it is an essential part of what it means to be a lawyer. Across the country, it is critical that we formally recognize pro bono service as an indispensable part of our legal culture. This will not only affect the way we as lawyers perceive ourselves -- it will also shape the way we are perceived in the wider community and the society in which we play such an important role.*

-Chief Judge Lippman<sup>45</sup>

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36 *Id.* There was one area of the law school universe that was significantly impacted by the rule – foreign LL.M. students. See Christian & Koch, *supra* note 6, at 5.

37 Christian & Koch, *supra* note 6, at 9.

38 *Id.*

39 *Id.*

40 *Id.*

41 *Id.* at 18.

42 See Requirement FAQs.

43 See *id.*

44 New York Unified Court System, *Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York* (April 2015) [http://www.nycourts.gov/attorneys/probono/AppForAdmission\\_Pro-BonoReq\\_Fillable.pdf](http://www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf).

45 Requirement FAQs, *supra* note 1, at 4.

Below are a few recommendations to help law students meet the 50-hour requirement. Prior to the announcement of the rule, law schools already had many of these practices in place. Adding information about the 50-hour rule and how it worked was simply an evolution of these practices.

1. Introduce the importance of *pro bono* work early in students' academic career, and find opportunities to repeat the message.

The goal is to create a culture of service in law school. Discussing the importance of *pro bono* work and service in the legal profession at Orientation starts this process. By encouraging faculty to incorporate and echo the message in their classes, it further emphasizes the message. Finally, professional development and leadership development programs are great vehicles for reinforcing the message and showing students how *pro bono* work can be a compliment to their career.

2. Beginning at Orientation, inform students of the rule and how it works. It is also helpful to repeat this messaging when promoting *pro bono* and other opportunities that meet the requirement.
3. Remind students of the rule at different points during their law school career, particularly at the end of the summer when many students, especially 1Ls, will have just completed work that would qualify to satisfy the requirement.
4. Encourage students to complete their form affidavit of compliance and have it signed by their supervising attorney soon after they've completed their qualifying *pro bono* work. This can help to avoid the potential problem of students needing to track down supervising attorneys for their signature one or two years later when the attorney may have moved to a new organization, possibly in a far-away location.
5. Help students find an opportunity that interests them.

Once the students reach their 2L year, discuss the obligation with them again and encourage them to conduct a careful self-assessment of what would interest them. It may be necessary to schedule a follow-up meeting to help students through the self-assessment process with guided questionnaires and Q&A sessions. In addition, at this follow-up meeting you can assess if any of their past or planned summer or classroom opportunities would meet the requirement.

6. Follow-up with each student to ensure they understand the requirement and all regulations relating to it. In addition, it may be helpful to make staff available (and/or provide web resources) to answer questions about the requirement that arise post-graduation.

### **The Future: Will Other Jurisdictions Follow New York's Lead?**

*New York is pioneering a new and ambitious approach to pro bono service. Given the desperate need for additional resources, we must hope that this program will succeed in lessening the unmet need for legal assistance and enhancing the pro bono commitment of young lawyers, but we must acknowledge that the approach is untested. We need creative solutions to the crisis in access to justice, but we also need to be judicious and rigorous in replicating promising approaches, ensuring, before we do so, that we have reliable evidence that supports their effectiveness. We should focus on rigorous evaluation and assessment as well as thoughtful analysis of whether the approach — or a variation on it — has worked in New York and whether it will work in other jurisdictions, given their different demographics, pro bono cultures and legal aid infrastructures.*

-Esther Lardent, May 7, 2012<sup>46</sup>

To date, no other states have yet followed New York in mandating *pro bono* service for law students as a requirement for admission. California very nearly adopted a similar rule this year. However, California Governor Jerry Brown vetoed the legislation. Governor Brown stated he believed “it would unfair to burden students with the requirement set forth in this bill.” This comes after nearly four years of work by the California State Bar with various stakeholders to implement the requirement.

The California veto, could, in a way, display the brilliance of Chief Judge Lippman’s approach. By announcing the requirement first, and giving all stakeholders only a four month window to provide input and submit recommendations on the final details, there was little anyone could do to stop implementation. Now that it has happened once, it is unlikely that other state chief judges could do the same. Only time will tell whether the New York requirement will make its way to every state across the country.<sup>47</sup>

The most important point, though, is that the requirement is advancing two different goals. First, law students seeking admission to the Bar of the State of New York are completing the 50-hour requirement. Every year, approximately 10,000 prospective lawyers seeking admission to the Bar of the State of New York are completing the requirement. This should mean that, in the aggregate, over 500,000 hours of *pro bono* service is being volunteered to benefit those in need. However, this generalized notion of help is not enough. Concrete data showing where these applicants are volunteering and how it helps those in need is a necessary next step. Second, the rule is forcing the conversation about the access to justice gap and how *pro bono* service affects it to take place. While the ABA Report found that “*pro bono* alone cannot provide the poor with adequate legal services to address their unmet legal needs,”<sup>48</sup> the New York requirement is a significant step in that direction.

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47 Shortly after the announcement by Chief Judge Lippman on May 1, 2012, Lardent outlined several steps that would help prevent the requirement from placing too great a burden on students, law schools, and *pro bono* providers. Any states considering a rule similar to New York’s 50-hour rule should strongly consider heeding her advice:

First, define carefully what is meant by “*pro bono*” and ensure that that definition is relevant to the problem to be addressed – legal assistance at no cost for low-income persons and other eligible clients.

...

Second, bring together the key players – the courts, legal services and *pro bono* programs, bar associations, law firms and other legal employers, law schools, law student groups – to map out a detailed plan and regulations that address the many practical challenges of implementing this initiative.

...

Third, ensure that legal services and *pro bono* programs have the additional financial and human resources they will now need to effectively and efficiently administer, train and supervise a new army of *pro bono* volunteers.

...

Fourth, acknowledge that applicants for admission are not monolithic and will have different needs to enable them to successfully satisfy their new *pro bono* requirement. The resources and opportunities available to full-time law students (with summers off) are different from part-time, evening students who are juggling school year-round with full-time jobs and family demands. The needs and abilities of recent graduates are different from experienced lawyers seeking admission due to a career change or move. One size will definitely not fit all applicants.

...

Fifth, evaluate, evaluate, evaluate — early and often. Assess the level of satisfaction of volunteers, *pro bono* clients, courts, law schools, employers and public interest groups, but also rigorously evaluate the impact and efficiency of the program and whether each of the elements as implemented is as effective as possible.

Lardent, *supra* note 30.