

**Model Projects & Structures
To Strengthen Law Student Pro Bono
To Increase Access to Justice**



**NCAJ Policy Initiative Memorandum, No. 2,
on Law Student Pro Bono & Access to Justice**

Introduction

Our goal in writing this memorandum is to share with a wide audience of law school officials and students, legal services providers, court officials, and other interested justice system stakeholders, examples of law student pro bono models that do a good job of increasing access to justice by responding to the legal needs of vulnerable people in underserved communities. In describing these models we aim to promote their replication in more communities, and also to advance the national conversation about how best to ensure that law student pro bono is made available to the people who need it most.

Criteria:

The models below vary from one another in many respects, but generally each is characterized by one or more of the following features:

- service to people with low incomes who are confronting legal problems that threaten their security, subsistence, or family stability
- service to people who would otherwise be unrepresented
- impact benefitting many people and involving many students
- efficiencies of scale
- ease of supervision
- ease of replication
- relevance in remote settings
- advantageous timing (including over spring and/or winter break)

While the level of unmet need in the justice system is great almost wherever one looks, our focus is on models that are helping people resolve legal matters that threaten their security, subsistence, and family stability (including in the areas of housing, health care, disability, employment, benefits, divorce, domestic violence and child custody). Of course many models have virtues, and others may be equally deserving of consideration in a discussion of the value of law student pro bono in increasing access to justice. With more than 200 law schools in the country, many of which, alone, sustain dozens of projects and structures for law students to engage in public service, it is generally not possible to declare one set of projects best.

Outreach:

The information in this memo was collected as part of our ongoing project, in partnership with Equal Justice Works, to research and write a *Guide to Strengthening Law Student Pro Bono to Increase Access to Justice* (to be released this fall). Please see our separate memo setting forth *Goals for Strengthening Law Student Pro Bono to Increase Access to Justice*, also drawn from the work on the *Guide*. Our outreach has included the following:

- We hosted a group conversation on the subject at the ABA's preconference held in Jacksonville, Florida in May 2012.
- We hosted a discussion of the subject as part of the pathbreaking conference on Access to Justice & Legal Education that was held by the Task Force to Increase Access to Civil Legal Services in New York, also in May 2012.
- We enlisted pro bono attorneys and paralegals at Skadden Arps Law Firm to interview pro bono administrators at law schools across the country.
- We carried out our own set of interviews to pro bono administrators at numerous additional law schools.
- We distributed a SurveyMonkey instrument through multiple networks maintained by justice system stakeholder organizations, and received dozens of responses describing successful law student pro bono projects.¹

Nature of support provided to law students engaged in pro bono activities:

In this memo we focus on law student pro bono by which we mean: volunteer activities, involving legal skills, performed by law students without receiving academic credit or financial compensation. In relying on this definition we recognize that many other public service initiatives in which students engage are important too, including, for example, clinics and externships for which academic credit is awarded, and internships for which a salary or stipend is provided.

¹ In this memo, we have sought to provide accurate descriptions of law student pro bono models, but we would welcome corrections, clarifications, and suggestions (please email us at: info@nc4aj.org).

Our interest in law student pro bono, as distinct from these other categories, is driven by our search for models in which larger numbers of students can contribute legal assistance to projects that can make a greater difference for larger numbers of people in need. While clinics, externships, and paid internships can, in certain instances, have greater, lesser, or equivalent reach and impact, it is our premise that the supervisor to student ratio in those structures is generally less than in law student pro bono. Given the vast numbers of people with unmet legal needs, this possibility for a relatively affordable expansion of service has prompted our close examination of law student pro bono. Our focus has been on models in which supervision is effective and impact is great.

Fundamentally, it is important to recognize that while law student pro bono is “for the good,” it isn’t ever entirely free, but succeeds because somebody is financing its cost. Someone is recruiting the students, handling the scheduling, covering the transportation, providing the supervision. Someone is contributing the funding that is helping the project go forward. The goal is to identify win-win models in which the cost is shared among, or contributed by, the participants – including, potentially, the law students, legal services lawyers, private lawyers, court officials, law school officials, third parties, or others – who carry out their respective roles in ways that cover the inherent costs and assure high quality results.

Of course, not every model of law student pro bono gathered in this memo will be a perfect fit in every setting. Some schools will have greater resources than others, some providers will be better equipped to manage volunteers than others, some communities will be readier to offer support through Access to Justice Commissions and bar organizations than others. Some projects take place in settings with multiple schools, courts, and providers. Others take place in settings that are more remote. Yet, all who are interested in strengthening law student pro bono to increase access to justice ought to be able to find some models here that can make a difference in their respective communities.

Last, this memo does not undertake to describe the full range of features that define the administration of law student pro bono programs within the law schools. Thus, for example, it does not cover such subjects as: i) awards and other incentives through which law schools and communities choose to honor volunteers, ii) staffing and other administrative arrangements through which law schools internally support pro bono, and iii) mandatory versus voluntary systems that govern pro bono within the law schools.

Categories of activities performed by students:

In the effort to strengthen law student pro bono to increase access to justice, no one would suggest substituting law students for lawyers in roles for which experience is essential. Nor should anyone underestimate the importance of the expertise acquired by the legal services bar. But, law students can be effective in a variety of roles. While the activities performed by law students are ever-shifting and ever-expanding, they typically fall within such categories as: representational tasks, information provision and interviewing, research, and court watching. Each of these is characterized by a broad range of subcategories:

- Representation may include advocacy on behalf of a client before a court, agency or legislative body, advocacy in commercial negotiations taking place outside of any of these formal legal settings, and/or support for the advocacy activities that a supervising attorney may carry out in all of these settings.
- Information provision and interviewing may include assistance in explaining a court form to a litigant, carrying out a “know your rights” training, or writing a memo summarizing the facts based on an initial conversation with a potential client.
- Research may include answering a question about the scope of a court’s holding on a specific question or carrying out a 50 state research project on court filing fees and the obstacles to having them waived.
- Court watching projects may include observing the practices of judges as they question litigants, or gathering information about the availability of interpreters in administrative agency proceedings, in support of access to justice reform initiatives.

Indeed, a very broad range of activities, extending well beyond these preceding examples, is daily carried out by law students as part of how communities are responding to the justice gap.

In the descriptions below, we outline law student pro bono models that have strong access to justice impacts. We identify the categories of tasks and areas of law that distinguish each model. To facilitate review, we have organized the models within five categories defined by the degree to which the model is centered on a) the law school, b) the law students, c) the court, d) the legal services provider, e) the law firms, or f) a third party.

Models of Projects & Structures

A. Law School Centered Models

1. Law school conducts single day volunteer event for all first year students prior to first day of class (multiple issues)

In this model, the law school (University of Miami Law School) coordinates a full day of volunteering at 20 sites in which all first year students participate. The event (HOPE Day of Service) introduces students to the range of pro bono

opportunities in the community. Supervision is provided by faculty, pro bono attorneys at the sites, and upper-division law students.

2. Law school enlists private pro bono attorneys to supervise law students in providing legal assistance to nonprofit organizations and their clients (nonprofit law, and other issues)

In this model, the law school (Roger Williams University School of Law, RI), runs the Pro Bono Collaborative which places law students under the supervision of law firm partners from local law firms, and also provides additional training supervision, and facilitation through law school staff. The students deliver legal assistance to local nonprofit organizations serving low-income people on a broad range of legal matters, including expungement, special education, guardianship, housing, employment and non-profit health.

3. Law school expands its clinic’s “know your rights training” by enlisting volunteer law students to serve more members of the public (veterans’ benefits law)

In this model the law school (Syracuse Law School) enlists its clinical legal faculty and clinic students to offer information to veterans about eligibility for Veterans Benefits. The law school expands its capacity to help more veterans by inviting law student volunteers to join the effort. The expertise of the faculty members and of the students in the clinic helps to assure the quality of the volunteer work done by students who are not members of the clinic.

4. Law school invites legal services programs to submit research questions to students (multiple issues)

In this model, which exists in analogous form at multiple law schools (for example, Columbia University Law School, Rutgers Law School) welcome questions in need of legal research. Law students conduct the research and answer the questions, supervised by the attorney who submits the research question. See, www.law.columbia.edu/programs/social-justice/sji-employers/sji-employers-pro-bono and <http://camlaw.rutgers.edu/pro-bono-research-project>.

5. Law schools partner with one another on “alternative spring break” in four areas of law: divorce, advanced directives (regarding end of life choices), sex trafficking (legislative drafting), and immigration (multiple issues).

In this model, multiple law schools that are in the same geographical region (University of Memphis Cecil C. Humphries Law School, University of Mississippi Law School, and University of Tennessee Law School) host multiple pro bono projects during partially overlapping spring breaks in which students volunteer in multiple areas of law. Supervision varies per project, provided by clinic professor, law school “public interest counselor,” private pro bono

attorneys, and legal services attorneys. A non-lawyer supervises the legislative drafting initiative. For an additional example of “alternative spring break,” see <http://www.law.du.edu/index.php/studentorgs/a-b/alternative-spring-break> (University of Denver Sturm College of Law).

6. Law school Criminal Registry Information Project (CORI Project) established by criminal justice faculty member relies on legal services lawyer to supervise students in sealing criminal records pursuant to state law (criminal records law)

In this model, the law school (New England College of Law, MA) relies on a legal services lawyer to supervise, and on a law graduate to handle administrative and other support, for law students engaging in advocacy on behalf of clients seeking to seal their past criminal records pursuant to state law.

7. Law school provides free rent to nonprofits that rely on the school’s students to meet the needs of the poor (multiple issues)

In this model, the law school (Touro Law School, NY), provides law students with a broad range of volunteer activities hosted by nonprofit organizations that operate out of a building situated at the law school campus and owned by the law school. The organizations receive free rent in exchange for their commitment to involve the school’s students in their work.

B. Student Centered Models

1. Students appear in administrative hearings, supervised by other students, backed up by off-site law firm (Unemployment Insurance law; school suspension law)

In this model, students represent otherwise unrepresented people in administrative hearings. The Unemployment Action Center, and the Suspension Representation Project (both founded initially by NYU Law Students) have inspired students at to create local school-based chapters through which students represent people claiming Unemployment Insurance benefits (the UAC chapters), or public school students contesting proposed periods of suspension from public school (the SRP chapters). Students in both models receive training, consult with more senior students, and can submit difficult questions to an off-site volunteer attorney. The projects have had broad appeal because of the opportunities they afford to the students to consult with live clients, take primary responsibility for the clients’ legal representation, and exercise their advocacy skills. The introduction of an “attorney supervision requirement” in the new bar admission rule adopted in New York in May 2012 may prompt reconsideration of the supervision model for some chapters, which may choose to rely on faculty members and/or law school alumni

to assure satisfaction of the attorney supervision requirement contained in the new rule. In one example of a school suspension advocacy project (Stand Up for Each Other!) law students from two law schools (Tulane Law School and Loyola University New Orleans College of Law, in New Orleans, LA) are supervised in their advocacy on behalf of public school students by attorneys from two community organizations.

2. Students appear in family court, backed up by on site attorneys (domestic violence law)

In this model, the law students help victims of domestic violence secure protective orders from family court judges. The model was initiated in New York City where it operates under supervision by attorneys at Sanctuary for Families, Inc. Students in school-specific organizations are trained and supervised by Sanctuary's attorneys to prepare pleadings and present oral argument to Family Court judges. Student appearances in the court are authorized in either of two ways (each of which is sufficient, alone): i) the law allows judges to exercise discretion to authorize non-lawyers to speak in the courtroom, and ii) the supervising organization possesses a student practice order pursuant to which students are authorized to represent Sanctuary's clients.

3. Students carpool together to travel extensive distances to provide assistance to vulnerable populations in underserved communities (multiple issues)

In this model, law students (Idaho College of Law) initiate a variety of projects each year providing assistance to people seeking legal assistance from community based organizations. In October 2011, 15 law students and professors carpooled 2.5 hours each way to spend a very long day serving over 50 Mixteco-speaking farm worker families in Othello, WA. Students provided legal education, intake and referral services, and answered basic legal questions regarding tenant rights, worker rights, education rights, and related matters, all under the supervision of community lawyers and law faculty. For additional examples, see <http://www.uidaho.edu/law/academics/clinicsprofessionalskills/probonoprogram>.

C. Court Centered Models

1. In the courthouse, students supervised by law firm pro bono volunteers and clinical legal faculty help people who appear pro se in debt collection proceedings (debt recovery/consumer law)

In this model, the court brings together multiple players to assist large numbers of otherwise unrepresented litigants in debt collection cases and credit reporting matters. Students administer the Civil Legal Advice and Resource Office (CLARO). They welcome volunteer attorneys and litigants, screen cases, and

provide overall management of the project. Students provide pro se litigants with limited legal advice under supervision of clinical faculty or pro bono attorneys, draft model papers such as motions to dismiss, assist with record keeping and other logistics; give legal information to litigants on their credit reporting issues; and help CLARO staff administrators with programmatic and administrative improvements. The project has been replicated in multiple jurisdictions in reliance on students from multiple law schools (Brooklyn, Fordham, NYU, Pace, St. John's, New York Law School and Wagner College).

2. In the courthouse, students supervised by law firm pro bono attorneys, assist litigants in completing court-forms, designed by the students, to obtain uncontested divorces (divorce law)

In this model, the court provides office space in which students (from Oklahoma City School of Law), supervised by local law firm attorneys serving pro bono (family practitioners from multiple firms), assist unrepresented litigants in completing court-forms to obtain uncontested divorces. The project solves the problem of delay due to imperfectly completed forms and the large volume of cases.

3. In the immigration court, students monitor conduct of judges by visiting court, reading decisions, and reporting on what they see (court watching, multiple issues)

In this model, set in the immigration court in Seattle, law students (Seattle University Law School) are supervised by volunteers from a local nonprofit organization that tracks trends in immigration court recording information about particular judges in a database. Law students receive basic training, can complete hours of pro bono by visiting the court whenever and as often as their schedules allow. The project familiarizes students with the functions of the court, the conduct of judges, and the governing norms including the ways in which they are violated. The project is inexpensive to administer, valued by the students, and adaptable to other categories of cases and courts.

D. Provider Centered Models

1. Provider relies on new law graduates funded by AmeriCorps to supervise law students operating call-in help-line service (multiple issues)

In this model, the legal services provider (Legal Services of Western New York) established a "*Volunteer Legal Corps*" that relies on five AmeriCorps Fellows (new attorneys funded by the federal government AmeriCorps program through Equal Justice Works) to supervise 126 volunteers, providing legal assistance to 14,103 individuals across the state, in part through a phone call-in service

operated in New York City, and, in part, through placements in legal services offices across the western part of the state.

2. Provider relies on private pro bono attorneys to supervise 150 law students per year in live client representation in local courts (guardianship, debt reaffirmation proceedings, divorce)

In this model, the legal services provider (Southern Arizona Legal Aid's Volunteer Lawyers Program) partners with the law school (University of Arizona James E. Rogers School of Law) and with the private bar to supervise as many as 150 law students per year in matters that include live client representation in the areas of guardianship petitions, debt reaffirmation proceedings, and domestic relations/divorce proceedings. Students commit to 12-15 hours per semester, supervising attorneys come from a variety of professional settings. Increasingly student alumni of the VLP take on roles as VLP's professional attorney pro bono supervisors.

3. Provider supervises law students to provide information to housing court litigants (housing law)

In this model, the legal services provider (Legal Services for Northern California) in collaboration with a third party organization (One Justice, CA) relies on law students to interview tenants facing eviction in housing court, relay the information from the interview to supervising attorneys who then decide whether to send guidance back to the tenants through the law student or to direct the tenants into more intensive lawyer-client arrangements. Other providers have described projects under development in which law students would receive training on how to educate the large number of unrepresented tenants in housing court about how to prepare a "list of needed repairs" and how to obtain a "list of uncured housing code violations" in order to then present this information, pro se, to the housing court judge.

4. National legal advocacy nonprofit shares responsibility with private pro bono attorneys and a law school to supervise law students in carrying out a 50 state research project to document access to justice (multiple issues concerning access to justice).

In this model, a national public interest advocacy organization (the National Center for Access to Justice, NY) enlisted private pro bono attorneys (from the firm Skadden Arps Slate Meagher & Flom, LLC) and a law school (University of Pennsylvania Law School) to build attorney-supervised teams of law firm associates and law students that are carrying out a 50 state research project to build a Justice Index that will provide an on-line picture of the status of access to justice in state-based justice systems.

5. Provider partners with specific law school over time (multiple issues)

In this model, a legal services program (Community Legal Services, East Palo Alto, CA) partners with a law school (Stanford Law School) to involve law students in diverse administrative and advocacy roles in support of work done by the legal services program's attorneys. Students interact with clients and help in the areas of family law and housing, and in other areas of the program's practice. They conduct intake interviews, write follow-up memos about new clients, and may provide limited services to clients.

E. Law Firm Centered Model

1. Law firm supervises representation by law students in immigration court hearings on asylum claims (immigration law)

In this model, law firm attorneys serving pro bono (from Davis Polk in NY) supervise law students (from Columbia University Law School) in handling asylum hearings in Immigration Court. The model builds asylum law expertise in the law firm attorney supervisors enabling them to provide effective supervision.

2. Law firm supervises representation by law students in family court proceedings involving custody and other matters (family law)

In this model, law firm attorneys serving pro bono (from Hunton & Williamson in VA) supervise law students (from University of Virginia School of Law) in handling a broad range of custody and other matters.
<http://www.law.virginia.edu/html/alumni/uvalawyer/f05/hunton.htm>

F. Third-party Centered Model

1. Nonprofit organization coordinates pro bono for multiple law schools on multiple issues (multiple issues)

In this model, a non-profit organization (One Justice, Inc., CA), funded by fees from multiple participating law schools (and other sources, including law firms relying on One Justice to provide pro bono opportunities to firm associates) coordinates administration, training and supervision for pro bono projects involving law students from numerous law schools. Projects are carried out through several models, but all are distinctive by virtue of the funding arrangement, the shared responsibility for training that is handled by staff of One Justice and staff of local legal services providers, and the involvement of students from multiple schools. In one model, the organization's "Justice Bus" brings law students to remote underserved communities, training students during the bus

ride, and equipping students to provide information, advice, and referrals. Pro bono projects have focused on a wide range of categories of law, including drafting wills, immigration law, debt collection, foreclosure scams, housing law, and more.

2. Nonprofit organization coordinates pro bono for multiple law schools on multiple issues (multiple issues)

In this model, a non-profit organization (Minnesota Bar Foundation, MN) coordinates pro bono placements for the law students at four Minnesota law schools. The law schools finance the work of the MBF, which serves as the single point of entry for 800 law students, finding students positions as volunteers in legal services organizations, government entities, and law firms, in placements that help homeless and low income clients, and public interest agencies.

3. Nonprofit organization coordinates pro bono attorneys who supervise law students helping incarcerated mothers resolve custody and visitation disputes (child custody and visitation rights)

In this model, law students (Cardozo Law School, NY) are supervised by private pro bono lawyers in carrying out a pro bono project (the Incarcerated Mothers Project) coordinated by attorneys at a non-profit organization (Volunteer Lawyers for Legal Services, NYC) that is supported in part by contributions from the private bar. Students visit women in prison where they assist the lawyers with client interviews, and then follow-up with legal research and other legal tasks needed to resolve child custody and visitation disputes.

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