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November 13, 2012

Jeffrey E. Lewis
Dean Emeritus and Professor of Law
Chair ABA Standards Review Committee
St. Louis University School of Law
3700 Lindell Boulevard
St. Louis, MO 63108

By email: lewisje@slu.edu

Re: Chapter 3, Standard 302(b), Law Student Pro Bono

Dear Dean Lewis,

I'm writing as chair of the ABA Pro Bono Summit workgroup on "infrastructure". This group is one of five workgroups created to continue the discussions begun during the October 2011 Pro Bono Summit. The infrastructure group is working on recommendations for systemic changes—in law firms; in legal aid programs; in law schools; and in the courts—that will expand pro bono representation.

The infrastructure workgroup is aware of the recent New York rule which requires bar applicants to certify, as a condition of admission to the Bar, that they have completed 50 hours of pro bono work. The workgroup is very excited about this development and sees it as an opportunity to institutionalize and strengthen law student pro bono.

I have recently become aware of your committee's work concerning Accreditation Standard 302(b) and the comments on the Standard submitted by Larry McDevitt (on behalf of the ABA's Standing Committee on Pro Bono and Public Service), the National Center for Access to Justice and Equal Justice Works.

While the infrastructure workgroup has not had an opportunity to discuss and take action on either Standard 302(b) or the proposals contained in the comments of these other groups, these proposals are consistent with the discussions in the infrastructure workgroup. The goal of the summit was to develop and promote a number of "big ideas" to revitalize and expand pro bono. The New York rule provides a unique opportunity to revitalize and expand law student pro bono.

I'm writing to express my support for the core ideas in these comments—i.e., that the Standard be modified to require schools to assure that all students perform a significant amount of pro bono service prior graduation; that pro bono for law students be defined by Model Rule 6.1; and that law student pro bono include clinic and internship work as provided in the New York rule. While I believe that there should be further discussion on specifics, I think it is critical that your committee provide guidance on these issues. I believe the whole justice system—law

"...there can be no equal justice where the kind of trial... (one) enjoys depends on the amount of money (one) has."

--Hon. Hugo Black, *Griffin v Illinois*, 351 US 12 (1956)



schools, law students, courts, legal services programs, and clients—will benefit from this guidance.

As a short term request, I would urge your committee to delay any action on Standard 302(b) at this time; to consider the comments of the outside stakeholder groups; and to engage in a dialog with the Standing Committee on Pro Bono and Public Service and the ABA Summit groups, so that the ABA and the Standards Review Committee can speak with one voice in terms of providing guidance and encouragement to law schools on this critical issue.

Please contact me if you would like any further information.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Bob Gillett". The signature is stylized with a large, sweeping "G" and a long horizontal stroke at the end.

Robert F. Gillett