

**Policy Recommendation:**

**Develop a “Law Student Pro Bono Software Application”  
to Strengthen Law Student Pro Bono and Increase Access to Justice**

Holly Eaton<sup>i</sup> & David Udell<sup>ii</sup>

**I. Recommendation:**

Law schools, courts, legal services providers, and the organized bar should jointly drive forward a new initiative to develop an affordable *Law Student Pro Bono Software Application* to strengthen the role of law schools and law students in responding to the unmet needs of vulnerable people in the justice system.

**II. Overview:**

**A. The Need for Legal Assistance**

Across the United States, poor and disadvantaged people are unable to rely on our courts. Our nation has a “justice gap” – tens of millions of people drawn annually into civil legal proceedings, without the assistance of a lawyer. Indeed, our courts are overwhelmed by *pro se* litigants who face serious consequences when they are unable to assert their basic rights, especially in cases involving housing, custody, domestic violence, and bankruptcy. The impact on their lives and on our society is substantial.

In response to the growing need, people have begun to mobilize. Major stakeholders, including courts, legal service providers, and the organized bar, are pursuing a broad range of responses. National organizations such as the American Bar Association, National Center for State Courts, National Legal Aid & Defender Association, Legal Services Corporation, Pro Bono Institute, as well as our National Center for Access to Justice, are deeply engaged. Across the country, 35 states have established Access to Justice Commissions that are pursuing fundraising initiatives and strategic responses to the problem.

**B. The Role of Law Schools and Law Students**

A missing component in this national picture has been the participation of our 201 accredited law schools, which graduate nearly 45,000 future lawyers every year. In

too many of our law schools, the Justice Gap and the importance of pro bono are rarely discussed.<sup>iii</sup> In recent decades, law schools have added pro bono opportunities for students, perhaps in response to the ABA's accreditation standards for law schools, which were modified in 1997 to encourage law schools to offer law students the opportunity to participate in law school clinics and other pro bono initiatives, and strengthened in 2005 to *require* schools to offer *substantial* opportunities. Notwithstanding, there is so much more law students could do to help fill the justice gap.

In a development that will have a significant impact on legal education, New York State's Unified Court System adopted a new rule, effective January 1, 2013, requiring all persons seeking admission to the state's bar to perform 50 hours of pro bono service as a condition of their admission. The rule is estimated to apply to as many as 15,000 bar applicants annually. The simple arithmetic suggests the involvement of more than a half million hours of time. Two states, California and New Jersey, have processes in place to consider replicating the New York rule.

Meanwhile, the New York courts have taken a next step. In a report issued in November 2012, the Task Force to Expand Access to Civil Legal Services in New York, operating under the auspices of the New York Unified Court System, recommended that justice system stakeholders improve the infrastructure for law student pro bono, including by developing software that will match students to pro bono projects, improve tracking of the number of students and the nature of their pro bono activities, and help to evaluate the quality and impact of pro bono. The report also offered additional recommendations for drawing law schools more deeply into initiatives to respond to the Justice Gap.<sup>iv</sup>

### **C. The Landscape**

A patchwork of systems is currently in place:

- *Manual systems* – Some schools track student pro bono through bare bones record keeping systems. They may rely on manual entry of data onto time sheets, manual tabulation of hours and of students' narrative descriptions of projects, and; students' efforts to obtain signatures from supervising attorneys.
- *In-house IT systems* – Some schools have more sophisticated in-house database systems, developed by IT departments, that link the record of pro bono hours to the record of the students' courses and grades.
- *Commercially available systems* – Some schools rely on commercially available software applications designed for other purposes but modified for tracking pro bono.

Many school officials have conveyed to us a list of frustrations with the limitations of these current approaches. Officials are concerned that the current systems discourage pro bono participation because they involve too much effort, don't allow

administrators to gauge the true amount of students' pro bono service, don't facilitate recognition and reward of exceptional amounts of service, and don't solicit students' views on the quality or impact of the pro bono experience.

#### **D. The Need for Software**

Last year, the National Center for Access to Justice held a series of listening sessions and conducted a survey of law school pro bono administrators to determine what steps should be taken to strengthen law school pro bono as a means of responding to the crisis in the courts and in the legal services bar.

One issue, cited over and over again, was the need for a good system to match law students to pro bono projects, track the number of hours performed by students and the nature of the activities they perform, and evaluate the quality of their experiences and the impact of their involvement. More specifically, the following functions are needed:

- *Matching* – Software is needed, or an internet web site is needed, to enable law students and law school pro bono staff to share and acquire information about both the availability of law student volunteers and the need of legal services providers and other public interest organizations for law student volunteers.
- *Tracking* – Software is needed to enable students to report the number of hours of volunteer activity performed, and the nature of the activities performed. The system should allow students to easily enter the data, record hours approved by supervisors, and maintain a running total of hours served. Ideally, it would enable supervisors to confirm students' hours online. Data about the nature of activities performed should address such categories as: i) was the activity done for individuals who are poor, organizations that serve the poor, or organizations that pursue a justice reform agenda, ii) was the activity done in a legal services program, courthouse, law firm, law school, or other setting, and, iii) did the activity entail advocacy, research, information provision or information receipt, court-watching, or other tasks.
- *Quality of experience* – Software is needed to enable law students to provide information about the quality of the pro bono experience. More specifically, the software should incorporate standards that allow the students to describe such aspects of the experience as: skills acquired, quality of supervision, amount of work, level of complexity of work, and other features defining the quality of the experience.
- *Impact* – Software is needed to enable law students to report on the perceived impact of their projects. The software should collect information about the number of people assisted, number of claims handled, and number and nature of reform goals advanced. Ideally, standard metrics

should be developed to increase the value of the data in illuminating the systemic impact of pro bono.

The need for technology to achieve these goals has come into much clearer focus now that New York has adopted a 50 hour pro bono requirement. Schools in New York and across the country now have an increased incentive to track the amount of pro bono performed since they need to know that their graduating students who intend to practice in New York have obtained a sufficient number of hours of law-related pro bono experience to qualify for admission to the New York Bar.

### **III. Next Steps**

We recommend the following specific steps:

#### **A. Survey stakeholders**

It would be valuable to reach out to additional stakeholders in a systematic way to discover the features that are most needed in software to administer and support law student pro bono. We would suggest interviewing the following officials:

- *Law school pro bono administrators* – The law school pro bono staff should be asked what features their current tracking systems have and what features they most need.
- *Legal services staff and attorneys* – In instances of schools with systems that are accessed by members of the legal community to advertise pro bono opportunities or verify pro bono hours, for example, these organizations and individuals should be interviewed to determine how they use these systems and elicit suggestions for ways they could be improved.
- *Bar admissions officials* – In addition, officials in bar admissions offices should be consulted to determine if a standardized law school pro bono tracking system could be used to verify that students have met the New York requirement (perhaps as an alternative to New York’s new self-reporting certification system).
- *Court officials* – Increasingly, law students are carrying out projects in collaboration with courts, and it would be valuable to learn what court officials recommend with respect to tracking and evaluating impact of students in responding to the Justice Gap.

## **B. Prepare a Request for Proposals**

The following additional steps should be taken:

- *Identify key features* – Prepare a list of the requirements of a tracking system, identifying key features, including standards/criteria for law schools to report against, and including technological elements essential to a useful system.
- *Circulate the list for comment* – Pro bono administrators throughout the country should be surveyed about the validity of the proposed list of requirements, asked to prioritize the potential features and provide further comments and suggestions.
- *Write a report* – Produce a report describing the need, and the solution, reflecting the investigative effort implicit in the two preceding paragraphs.
- *Develop an RFP* – The report should serve as the foundation for a list of recommended best practices and the requirements needed for a software package that would enable law schools to fulfill those best practices. An RFP should be developed to invite vendors to submit proposals for developing a software application.

## **C. Fundraise**

A fundraising initiative within the philanthropic community, corporate sector, law schools, and organized bar can help to kick-start development of the software application.

## **IV. The Solution**

With the increasingly sophisticated online (and mobile) applications with which today's students are comfortable, the patchwork of outdated tracking systems could and should be improved. An online system can be made available to all schools, for a fee, to match, track and evaluate law student pro bono. The virtues of this approach are plain:

- increased student participation
- improved reporting of students' hours
- easier matching of students to projects, easier satisfaction of the needs of courts, legal service providers, and law schools
- development of a common terminology for tracking and reporting data

- improved knowledge of overall amount, nature, quality, and impact of law student pro bono
- ease of verification from supervisors and approval of hours when the work is complete
- increased impact of law student pro bono to respond to unmet legal needs of millions of people and to help strengthen our justice system.

### **Authors' Note**

This memorandum is intended to promote development of new software applications that can strengthen law student pro bono and increase access to justice. The authors encourage readers to share the memorandum with others who are interested, and invite readers' reactions, suggestions and questions.

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<sup>iii</sup> See Russell Engler, *From the Margins to the Core: Integrating Public Service Legal Work into the Mainstream of Legal Education*, New England Law Review, Vol. 40, p. 479, (2006), available at SSRN: <http://ssrn.com/abstract=892839>; Gene R. Nichol Jr., *Wages, Work, Privilege and Legal Education*, Harvard Law & Policy Review, Vol. 5, No. 1 (2011), available at <http://ssrn.com/abstract=1823642>.

<sup>iv</sup> 2012 Report of the Task Force to Expand Access to Civil Legal Services in New York (November 2012), available at [http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT\\_Nov-2012.pdf](http://www.nycourts.gov/ip/access-civil-legal-services/PDF/CLS-TaskForceREPORT_Nov-2012.pdf).