

PSU/Dickinson School of Law Celebrates 2010 National Pro Bono Week

The law school celebrated 2010 National Pro Bono Week by launching an awareness raising email campaign designed to educate the law school community on the need for pro bono and the role of law schools in encouraging the ethic of service. This event was also used as an opportunity to have students pledge their willingness to participate in the law school's formal pro bono program. Students were educated about the pro bono programming available through organized bar associations and encouraged to volunteer in local bar National Pro Bono Celebration events.

FACT #1: Pro Bono Publico does not mean “For Free”. Rather, it is “For the Public Good”

FACT #2: Federally-funded legal services organizations are not able to meet the legal needs of the poor.

FACT #3: The Rules of Professional Conduct and Organized Bar Associations Make it Ethical and Easy to do Pro Bono

FACT #4: Law Schools Have an Important Role in Shaping the Ethic of Service in the Legal Profession

FACT #5: The Penn State Dickinson Law School Community Makes Significant Contributions to Pro Bono Service Every Year

FACT #1 Pro Bono Publico does not mean “For Free”. Rather, it is “For the Public Good”

Often, the term “pro bono” is either too broadly applied or very narrowly construed. Every state’s rules of professional conduct and every specific pro bono program will have slightly different explanations for what constitutes pro bono legal service. The comments to rules and mission statements for formal pro bono programs however, make it clear that legal service for which no fee is collected is not sufficient to classify a lawyer’s work as pro bono.

A favor for a friend or a break on a paying client’s bill may well be the admirable course for a lawyer to take but it will not fulfill their obligation to provide pro bono service. On the other hand, poverty is not the only qualifier for work that meets the expectations of our rules of professional conduct. See [ABA Model Rule 6.1](#) and [PA Rules of Professional Conduct Rule 6.1](#). Legal service to charitable organizations, activities for improving the law and justice system, representation in civil rights matters, reduced fees for modest means clients, and a number of other forms of legal advocacy performed in furtherance of the public good are all contemplated by the rules, comments to the rules and offerings of formal pro bono programs.

FACT #2: Federally-funded legal services organizations are not able to meet the legal needs of the poor.

Submitted by Tayler Summers

Imagine taking your civil procedure final and giving your oral argument on the first day of your 1L year. Now imagine that instead of a grade, your home, your money for food, or your health insurance coverage depended on the outcome of that final and your oral argument. Add in the fact that you may or may not speak English and that you may or may not have graduated from high school. And consider what might happen if you were doing all your preparation while also working one or two jobs. How would you begin your preparation for the exam? Where would you begin your outline for your oral argument?

For the average law student, this is a hypothetical fact pattern. For half of the residents in this country who live near the poverty line and are seeking legal assistance in consequential matters, it is reality.

The Legal Services Corporation (LSC) provides legal services to qualifying individuals and families by funding 136 independent legal aid programs around the country. These federally-funded legal aid organizations offer fundamental services free to low-income individuals in civil matters. For example, MidPenn Legal Services which serves 18 counties in central Pennsylvania provides legal assistance in the following areas: family law, custody, domestic violence, housing, foreclosures, access to medical care, public benefits, unemployment, barriers to employment, consumer law, and elder law.

For all the good done by these legal aid programs, there are still many who must face these and other difficult issues alone. The primary cause of underrepresentation is lack of program resources. Nationally, about half of all people seeking help at federally-funded legal aid providers are turned away. That means that one out of every two people facing labyrinthine administrative or court proceedings must do so with very little or no legal training. Six thousand four hundred and fifteen individuals have income that qualifies them for the services of each individual legal service attorney in the country. In contrast, there is one private attorney for every 429 people in the nation living above the LSC income threshold.

In some individual states, the gap in access is much greater. For example, Texas has only one legal aid attorney for every 10,838 Texans who qualify. The number of eligible recipients and the legal problems they face have risen substantially as a result of the poor economic times. In Mississippi, access to legal services for poor individuals is at or below the national average. Between a third and half of those who apply for legal aid are turned away. In New Jersey, one legal aid organization reports that it can only represent a third of its potential clients. Finally, a study by the Supreme Court of Tennessee found that legal aid lawyers in that state can only serve twenty percent of qualifying clients who request help.

Federally-funded legal services organizations cannot meet all the legal needs of the poor. The pro bono work of private attorneys is absolutely necessary in meeting our profession's promise of equal access to justice.

FACT #3: The Rules of Professional Conduct and Organized Bar Associations Make it Ethical and Easy to do Pro Bono

"I don't know anything about family law"

"My malpractice insurance won't cover it"

"I don't have the time"

"It seems unethical to me to give legal advice without establishing a long term lawyer-client relationship"

You may be concerned that as a private attorney, you will be unable to seek out manageable pro bono opportunities in areas of law that you can ethically tackle while carrying a full case load. I encourage you to look to your local and state bar associations for training and mentorship in areas of law that are in high demand for pro bono volunteers as well as discrete opportunities to participate in pro bono programs.

Local, State and Federal Bar Associations often provide:

- Free CLE training in an area of substantive law if you agree to accept a pro bono case on that topic
- Discrete pro bono projects that begin and end in a very short period of time (an afternoon or even just a few hours)
- Mentorship from experienced attorneys in complex areas such as custody litigation
- Pro Bono programs that tap into practice areas outside of traditional poverty law topics such as programs that provide legal assistance to non-profit organizations or to specific groups of people in need of trusts and estates planning assistance.
- Malpractice Insurance coverage if you take a case through a pro bono program that receives referrals from a legal services organization

Additionally, the Rules of Professional responsibility specifically allow for the provision of short-term limited legal services. [Rule 6.5](#) specifically contemplates short term representation with a reduced obligation to screen for conflicts.

Formal pro bono programs through bar associations and non-profits can help you overcome the not insignificant barriers to providing pro bono representation. Seek out their support and embrace all of you ethical obligations!

FACT #4: Law Schools Have an Important Role in Shaping the Ethic of Service in the Legal Profession

There is no better time or place to educate new lawyers about the ethic of service and professional responsibility to provide pro bono representation than during the course of their legal education.

Law schools are in fact required to provide substantial opportunities for pro bono and experiential learning opportunities. See [ABA Standard for Approval of Law Schools 302](#). In 1987, Tulane Law School instituted the first pro bono graduation requirement. Today, at least [38 law schools](#) require some form of public service prior to graduating from law school. Regardless of whether or not it is a requirement for graduation, law schools can and do teach students the history, skills, and professionalism required to fully embrace the service component of the legal profession through organized pro bono opportunities and public interest programming.

Many law school pro bono programs aim to get the new lawyers hooked - to give them a glimpse into the vast need for assistance and the powerful impact a lawyer can have. The design is to show them, rather than tell them, about that moment when they will own their responsibility as an advocate for justice.

Thank you for your support of the Law School's pro bono and public interest programming.

FACT #5: The Penn State Dickinson Law School Community Makes Significant Contributions to Pro Bono Service Every Year

In 2001, 8 members of the graduating class were recognized as the first class of certified Public Interest Advocates. In the past 10 years, that number has increased to over 60 members of the Class of 2010 being recognized at graduation for their public interest law contributions. With two more opportunities to be certified as Public Interest Advocates to go, the Class of 2011 is well on its way to surpassing previous years' numbers.

Among many other things, law students have participated in organized homeless outreach initiatives, provided pro bono research to public interest and pro bono attorneys, and volunteered to intern with non-profit organizations working to meet the needs of the poor and underrepresented. Students contribute pro bono assistance during the semesters, over the summers, and through alternative break programs like the one that took students to New Orleans in the wake of hurricane Katrina. In reflecting upon his summer pro bono work with a housing non-profit, one student determined "Whether I continue pursuing corporate law or devote my career to public interest, public interest work will definitely be a significant part of my future legal career." – Baro Lee '12

The Law School Faculty also has a demonstrated commitment to embracing the profession's service obligations. Members have a history of incorporating pro bono into their legal practice and have taken on pro bono cases during their tenure with the law school. They serve on the boards of non-profit organizations and produce scholarship that furthers the cause of increasing access to justice. When asked recently by current PILF President Maura Armezzani to reflect upon their work, numerous members of the faculty responded with an accounting of their pro bono contributions and their thoughts on the value of pro bono legal service. Here are some of the responses:

- "Each experience has helped me grow as a person and as a professional by reminding me of how effective advocacy can make a difference in people's everyday lives. Volunteering has also helped me remember that we share a common human vulnerability." - Professor Victor Romero
- "The demand for pro bono work has historically always outweighed the resources available, but that doesn't have to be the case. When I see what can happen in social security cases or education cases, when the rules, even for attorneys, are horribly confusing, I wonder how in the world someone going through it alone can do it. Being a voice on behalf of someone in need is so important, and can often make the difference between having nothing and having everything." – Professor Megan Riesmeyer
- "I have been doing pro bono work since law school and have always found it the most rewarding aspect of my career. Its impact on me is invaluable. I always learn something from each client and each case. Our profession needs all hands on deck. Pro bono is our chance to do the noble work intended by those who formed our legal system." - Professor Jill Engle
- "Ours is a helping profession, one which must assure that the phrase 'equal justice under law' is more than just a empty promise. The reality is that many people are priced out of the legal system or may not have access to legal aid attorneys. The legal system only works well if it works for all. Therefore, it is incumbent upon us to use our skills and training as a positive force to contribute to the needs of the less fortunate." - Professor Michael Mogill