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Learning and Serving: Pro Bono Legal Services by Law Students

By David L. Chambers and Cynthia F. Adcock

All lawyers' codes of professional ethics in the United States expect members of the bar to perform legal services for low-income persons. In practice, as we all know, many lawyers perform a great deal of such service while others do little or none. By much the same token, the accreditation rules of the American Bar Association urge all law schools to provide students with opportunities to do *pro bono* legal work; by much the same token, some schools in the United States have extensive programs for their students but many do not.

In 1998, the Association of American Law Schools created a Commission on Pro Bono and Public Service Opportunities to help law schools improve their *pro bono* programs. The Commission began its work by reviewing available research and by surveying all law schools to learn the current extent of *pro bono* services by law students. The Commission learned that nearly all law schools offer clinical programs through which students can earn credit for providing legal services to low-income clients, but that schools were much more varying in the extent to which they gave students the opportunity to provide voluntary services without credit.

About 16 of America's 183 ABA-accredited law schools require students to perform public service work as a condition of graduation. (Several of these schools require 40 hours of *pro bono* service. One requires 70 hours.) On the other hand, at nine schools, the responding dean reported no *pro bono* programs. The great majority of schools fall in between. At these schools, students perform volunteer work on *pro bono* projects, but at most of these schools, only a small fraction of the students choose to participate in any given year.

To provide ideas for schools to consider, the Commission obtained description information on 400 specific *pro bono* proj-

ects currently in existence at American law schools, a treasure trove of information about imaginative opportunities. Schools offer *pro bono* opportunities in two rather different ways.

First, many schools match students with legal services providers, governmental entities, and nonprofits outside the law school. At Thomas M. Cooley Law School, for example, many students participate in the Cooley Volunteer Corps, performing volunteer work for organizations such as Legal Aid of Central Michigan, the Legal Hotline for Older Michiganians, and the Housing Resource Center. To facilitate this process, many law schools around the country make available to their students a web-based list maintained by Public Service Law Network of nonprofit legal services organizations and governmental entities that need student volunteers. Some schools also match students with members of the bar who oversee students on *pro bono* cases on which the attorney is working.

The second form of programs offered by schools are in-house group projects. Many of these programs are initiated and directed by students; some are collaborations with outside organizations. As an example, for over 20 years students at the University of Michigan Law School have run the Family Law Project with their own office within the law school. With the help of an attorney, students represent victims of domestic violence who need protective orders, divorces, or other legal assistance. At Michigan State University-Detroit College of Law, the students in the Wolverine Student Bar Association work with alumni and other members of the bar to hold an annual Student Law Day at the school providing legal services to anyone in the community.

Students derive many important educational values from engaging in *pro bono* work while in law school. They get a glimpse of the scale of America's unmet legal service needs, they learn about the interaction of poor people with courts and agencies of government, they learn the

satisfaction of providing legal services to people who need them, and, perhaps most important, they begin to absorb an understanding of their professional obligations of *pro bono* service in a manner that may carry over into their practice years later.

The Commission thus recommended that schools seek ways to entice all, or a vast majority, of their students to participate in *pro bono* work while in law school. To aid schools that want to expand existing programs or establish new ones, the AALS secured grants from the Open Society Institute totaling over \$300,000 that have permitted hiring two full-time staff members for two years to work directly with schools.

In the first year, the Project Director, Cynthia Adcock, who had previously run the Pro Bono Project at Duke Law School, has visited 51 law schools in 18 states and the District of Columbia, meeting with faculty and staff. During these school visits, which are free of charge, Ms. Adcock collects information about how the law school instills in students the ethic of *pro bono* service, information which will eventually be compiled and made available on the web. When asked, she also offers ideas and advice on how, given the particular law school community, that school can improve its *pro bono* programming. The Project has established a website that will grow over the years ahead and that currently includes the full report of the Commission, which is entitled Learning to Serve. (See www.aals.org/probono)

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Cynthia Adcock is the director of the Pro Bono Project of the Association of American Law Schools.

While the AALS Pro Bono Project will have paid staff for only one more year, the Project will continue through the efforts of the volunteer members of a new AALS Section on Pro Bono and Public Service Opportunities. The section is already very active, planning a “mini-conference” on *pro bono* and public service for next year’s AALS annual meeting. Any faculty or administrator at an AALS member or fee-paid school can join the section’s listserv by visiting www.aals.org/probono

The Commission also concluded that more law school faculty members need to perform *pro bono* services. Those law school teachers who are members of the bar already have an obligation to perform such services, but like practitioners in general, not all of them do. On the Commission’s survey of law schools, fewer than half the responding deans reported that they were satisfied with the amount of *pro bono* work their faculty members performed. The Commission believed that *pro bono* work by

law faculty performs a double function—it serves the general value of meeting the legal needs of low-income individuals or groups and it sets a model for students to emulate.

Thus, the Commission recommended that law school faculties should impose on themselves an expectation of annual

pro bono service and require reporting of the service to the dean and each other at year’s end. Ideas on how this recommendation can be implemented are available in consultation with Ms. Adcock and are sure to be the subject at upcoming events of the AALS Section on *Pro Bono* and Public Service Opportunities. ■