

2001

## Meeting the Need: Minnesota's Collaborative Model to Deliver Law Student Public Service

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### Recommended Citation

Susan J. Curry, "Meeting the Need: Minnesota's Collaborative Model to Deliver Law Student Public Service," 28 William Mitchell Law Review 347 (2001).

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# MEETING THE NEED: MINNESOTA'S COLLABORATIVE MODEL TO DELIVER LAW STUDENT PUBLIC SERVICE

Susan J. Curry<sup>†</sup>

I.	INTRODUCTION .....	347
II.	HISTORY OF THE PROGRAM .....	349
III.	PROGRAM DEVELOPMENT: COMPROMISES AND COLLABORATION.....	353
	A. <i>Joint Administration</i> .....	354
	B. <i>Flexible, School-Specific Decision-making</i> .....	355
	C. <i>Responsive to Both Students and Legal Service Providers</i> ...	356
IV.	PROGRAM ACHIEVEMENTS.....	359
V.	CONCLUSION: CRITICAL INGREDIENTS AND FUTURE CHALLENGES .....	360
	A. <i>Law Schools</i> .....	361
	B. <i>Private Bar</i> .....	361
	C. <i>Provider Network</i> .....	362
	D. <i>Program Staff</i> .....	362
	E. <i>Challenges</i> .....	363
	1. <i>Greater Minnesota</i> .....	363
	2. <i>The Law School Curriculum</i> .....	364

## I. INTRODUCTION

In the spring of 1994, William Mitchell College of Law hosted a symposium entitled "Legal Education and Pro Bono," at which participants explored the topic of professional values and sought a collaborative partnership between the legal profession and the academy.<sup>1</sup> The symposium brought together law professors, bar

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1. The proceedings of this April, 1994 symposium are reported in Stephen F. Befort & Eric S. Janus, *The Role of Legal Education in Instilling an Ethos of Public Service Among Law Students: Towards a Collaboration Between the Profession and the Academy on Professional Values*, 13 LAW & INEQ. 1 (1994).

leaders, providers of legal services to low-income persons, law students, judges and other interested practitioners to discuss lawyers' obligation to provide public service, and to examine the role that legal education played in instilling a public service ethic in law students.

This symposium served to mobilize the community of lawyers and advocates who attended. In the five years that followed, a group of law faculty and students, private practitioners, and legal service providers developed and launched a collaborative public service program for law students.<sup>2</sup> The Law School Public Service Program ("Program") can be described as collaborative since each of the three law schools located in Minnesota agreed to a joint administrative structure for the Program.<sup>3</sup> Other partners in the collaboration included the Minnesota State Bar Association ("MSBA"), the Minnesota Justice Foundation ("MJF")—the agency chosen to administer this Program, and the scores of legal service providers who agreed to supervise law students.

What follows is an edited version of informal remarks I delivered at the annual meeting of the Association of American Law Schools ("AALS") in January 2001. In Part II, I describe the history behind, and the efforts surrounding, the formation of Minnesota's tri-school public service program. In this section, I also discuss the need that prompted the Program's development and outline the role that the private bar had played in attempting to meet this need. In Part III, I discuss Program partners' early efforts to design a service model that would be both effective and cost-efficient, and briefly describe the agency that Program partners chose to administer the collaborative undertaking. In Part IV, I provide a progress report on the Program's achievements to date, and in Part V, I conclude by offering my perceptions of the necessary ingredients for a successful collaborative program and my comments on future challenges.

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2. The Program was originally referred to as the Expanded Public Interest Project (E-PIP) to reflect the fact that the Minnesota Justice Foundation had already been administering law-related volunteer placements for many years. Program partners eventually settled upon the extremely descriptive "Law School Public Service Program."

3. At the time, a tri-school program was all that was ever envisioned. Minnesota's fourth law school—the University of St. Thomas—welcomed its first class of law students in the fall of 2001 and school representatives have committed to the Program.

## II. HISTORY OF THE PROGRAM

In order to understand Minnesota's drive toward a collaborative law student public service program, it is important to understand the Minnesota legal community's general predilection toward collaboration and coordination. In Minnesota, statewide coordination of legal services to the poor dates back to 1980, when the six Legal Service Corporation-funded programs in the state received a special planning grant to identify areas for coordination and cooperation.<sup>4</sup> In 1981, the president of the MSBA appointed a new committee, the Legal Assistance to the Disadvantaged Committee ("LAD"), to, among other things, "inspire innovative *pro bono* programs."<sup>5</sup> Providers of legal services began working with the newly created LAD Committee to coordinate on legal services issues of statewide concern.

Eventually, in response to the pending cuts in funding from the Legal Services Corporation, the Minnesota Legislature, in 1995, requested that the Minnesota Supreme Court create a joint committee, including representatives from the Minnesota Supreme Court, the MSBA, the Minnesota Legal Services Coalition,<sup>6</sup> and other providers.<sup>7</sup> The Minnesota Supreme Court responded by establishing the Joint Legal Services Access & Funding Committee ("Joint Committee") and directing it to make recommendations for funding changes or other alternatives to maintain an adequate level of funding for civil legal assistance in Minnesota.<sup>8</sup> After developing a number of principles designed around the concept of ensuring that low-income people have a level playing field, access to all forums, and a full range of legal services in areas of critical need, the Joint Committee concluded that "while the Coalition programs and other [programs in Minnesota] are already a national model of coordination and cooperation, the programs should continue to search for areas in which they can achieve additional efficiencies and improve client services through increased coordination and cooperation."<sup>9</sup>

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4. LEGAL SERVS. CORP., BUILDING STATE JUSTICE COMMUNITIES 34 (Mar. 2001).

5. MINN. STATE BAR ASS'N, FOR THE RECORD: 150 YEARS OF LAW AND LAWYERS IN MINNESOTA 201 (1999).

6. The regional programs serving all 87 Minnesota counties are known collectively as the Minnesota Legal Services Coalition.

7. LEGAL SERVS. CORP., *supra* note 4, at 34.

8. *Id.*

9. *Id.*

But the LAD Committee had already found a new area in which coordination and cooperation could improve client services. As early as 1990, in a comprehensive committee report, the LAD Committee members first began thinking of the role of law student volunteers.<sup>10</sup> Then, in 1993, the LAD Committee formed a working group, called Law School Initiatives (“LSI”), to plan the 1994 Symposium on Legal Education and Pro Bono. The symposium was an initial step toward developing a plan to increase the role of the law schools in the production of a public service ethic among new lawyers.<sup>11</sup> After the symposium ended, LSI continued as a standing subcommittee with formal membership from each of the three law schools and with the mission of developing initiatives to involve the law schools in fostering greater support for pro bono and access to legal services.

Born of the 1994 symposium was the resolve to create a unified law student public service program that would have the triple effect of benefiting law students (by giving them practical client-centered legal skills and experience along with a better understanding of the issues facing disadvantaged clients), their schools (by strengthening the curriculum and the institutions’ ties to the community and by helping them meet AALS and American Bar Association (“ABA”) directives to provide students with practical legal and citizenship skills), and providers and their clients (by increasing provider efficiency and giving them greater resources to better serve more clients). There was an over-arching problem that this symposium was intended to address, specifically the thousands of Minnesotans who were going without legal services each year even though they qualified under income eligibility guidelines.<sup>12</sup> Law student public service was targeted as one likely resource for helping to meet this

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10. See LEGAL ASSISTANCE TO THE DISADVANTAGED COMMITTEE, MINN. STATE BAR ASS’N, *Summary of Recommendations*, BENCH & B. MINN., May-June 1990, at 33, in which the LAD Committee issued twelve recommendations to the MSBA in order to increase pro bono activities and support for legal services, among them, that the MSBA develop a new award to recognize law student volunteers.

11. Befort & Janus, *supra* note 1, at 9. See also Angela McCaffrey, *Pro Bono in Minnesota: A History of Volunteerism in the Delivery of Civil Legal Services to Low Income Clients*, 13 LAW AND INEQ. 77 (1994).

12. Befort & Janus, *supra* note 1, at 1 n.1 (citing Jeremy Lane, Remarks at A Working Symposium: Legal Education and Pro Bono, William Mitchell College of Law (Apr. 8, 1994)). Jerry Lane, Mid-Minnesota Legal Services’ Executive Director, estimated that nearly 200,000 eligible Minnesotans were going without legal services. *Id.* at 11 n.43.

need.<sup>13</sup> By assisting legal service programs and volunteer lawyers with basic legal research, client interviews, fact investigation, and document preparation, law students could help meet some of the crushing need.

Armed with their symposium notes from break-out group discussions on critical questions regarding the development, implementation, and financing of a pro bono or public service program for law students,<sup>14</sup> LSI set about drafting a Model Law School Public Service Policy ("Model Policy").<sup>15</sup> LSI eventually circulated the Model Policy to each of the three law schools for discussion and ratification in the spring of 1996. Though stopping short of recommending the number of public service hours each law student should perform, or recommending whether the public service policy should be mandatory or voluntary, the Model Policy did articulate several themes. LSI recommended that, to help improve access to the legal system, law schools should:

- Encourage discussion throughout the law school curriculum of issues related to poverty and access to the legal system;
- Offer courses that instruct students in the areas of law of particular concern to those who have limited access to the legal system; and
- Provide opportunities for each student to perform law-

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13. Unfortunately, despite law student service programs and other innovative programs, and because of dramatic funding constraints on civil legal assistance programs, the legal need is still great. Minnesota programs are now receiving nearly 48% less Legal Services Corporation funding in real dollars than they received in 1981. In 1995, they lost 2% of already-appropriated Legal Services Corporation funds after a Congressional rescission; the 1996 appropriation was cut by another 30%. And the 2000 appropriation level represented a loss of approximately \$1.3 million for Minnesota's programs below the pre-1995 cut levels. Each year Minnesota Legal Services Coalition programs alone turn away over 20,000 eligible people who request specific assistance. Approximately 58,000 eligible potential clients each year do not even ask for assistance with legitimate legal problems for reasons including their perception that there are not enough resources to help them. Since the early 1980s, there has been an approximate 60% increase in requests for legal aid while legal aid's income in real dollars has increased by only 36%. MINN. LEGAL SERVS. COALITION, Request for Funding to the Minnesota Lawyers Trust Account Board 1, 3 (Apr. 18, 2001) (on file with author).

14. Notes of these break-out sessions are included as an appendix to Befort & Janus, *supra* note 1, at 22-24.

15. LAW SCH. INITIATIVES SUBCOMM., MINN. STATE BAR ASS'N, Model Law School Public Service Policy, (Circulating Draft, Mar. 1996)[hereinafter Model Policy].

related public service as part of the student's legal education. Law Schools should work together with the practicing bar and bench to implement these proposals.<sup>16</sup>

While all three law schools began discussing implementation of the Model Policy, one law school's process of implementing the Program is illustrative.<sup>17</sup> When E. Thomas Sullivan, the Dean of the University of Minnesota Law School, received the Model Policy, he appointed a Public Service Committee ("U of MN Committee") to study the policy and make implementation recommendations.<sup>18</sup> The U of MN Committee, made up of students, faculty, and staff, issued a report in which they endorsed all three recommendations of the Model Policy, but "chose to concentrate only on the third"<sup>19</sup>—namely, the recommendation to develop a Public Service Program for law students.<sup>20</sup> The U of MN Committee recommended a voluntary program, modeled after the 50-hour aspirational goal articulated in Rule 6.1 of the Minnesota Rules of Professional Conduct for practicing lawyers, but giving students all three or more years of their law school careers in which to meet the goal.<sup>21</sup> The U of MN Committee also specified that public service must be law-related.<sup>22</sup> And like the drafters of the Model Policy, members of the U of MN Committee emphasized the need for collaboration:

Whatever sort of public service program our school adopts, it would be advantageous if the program were pursued in collaboration with William Mitchell and Hamline University law

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16. *Id.* at 1. In the Model Policy, LSI members urged the three law schools to work with one another and with legal services offices and volunteer programs. *Id.* "Since the available resources are limited, we encourage the three Minnesota law schools to share those resources and to work together to increase available resources." *Id.* at 5.

17. The other two schools did the following: Hamline University School of Law charged its standing MacCrate Committee with the mission of exploring implementation issues, and William Mitchell College of Law Clinical Professor Peter B. Knapp shepherded the implementation process at his school.

18. *See* Memorandum and Report from the University of Minnesota Law School Public Service Committee, to E. Thomas Sullivan, Dean, University of Minnesota Law School (Mar. 13, 1997) [hereinafter U of MN memo] (on file with author).

19. *Id.*

20. While the schools chose first to focus their attention on the development of the public service program component of the Model Policy, they have not lost sight of the Model Policy's first two curricular recommendations. *See infra* notes 61-62 and accompanying text.

21. U of MN Memo, *supra* note 18, at 6-11.

22. *Id.* at 7.

schools. Cooperation among the three schools would be important as each seeks to coordinate placements for its students with legal services providers and other attorneys.<sup>23</sup>

### III. PROGRAM DEVELOPMENT: COMPROMISES AND COLLABORATION

First, Program partners<sup>24</sup> shepherded the Model Policy recommendations through each of the law schools until the schools' respective faculties and administrations adopted the *concept* of a public service program.<sup>25</sup> Each school then left the specific program design to their own internal public service committees or to a faculty point-person. As Program partners at each school were meeting to decide threshold program questions,<sup>26</sup> LSI members continued to steer the overall design effort. Given the general directive to collaborate with one another, the three law schools worked to design a public service program that had enough common elements to ensure efficient administration across schools, while simultaneously allowing individual schools to shape program requirements to their own needs.<sup>27</sup> LSI's Program developers worked together with law school representatives to formulate three design propositions—propositions intended to accomplish the overall goal of fashioning a statewide law school public service program that was both effective and efficient.

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23. *Id.* at 10. See also Memorandum from Peter B. Knapp, Professor, William Mitchell College of Law, to Harry Haynsworth, Dean, William Mitchell College of Law 4 (Sept. 16, 1997) ("If all three schools are working to expand their public service programs, it is critical that we cooperate . . . [Otherwise] all three schools will end up scrambling for placements and students will be shut out of valuable opportunities") (on file with author).

24. The LSI rotated their yearly chairmanships among each school's clinical directors (Steve Befort at the University of Minnesota, Angela McCaffrey at Hamline University School of Law, and Peter Knapp at William Mitchell College of Law). But the subcommittee also included among its members legal service providers, law firm pro bono coordinators, students, MJF staff, and members of the private bar.

25. See Howard Lesnick, *Why Pro Bono in Law Schools*, 13 LAW AND INEQ. 25, 34 (1994) (stating that "questions about the specific contours of the program should not be raised as barriers to consideration of the idea.").

26. The Program's school partners considered questions such as how to market, finance and administer the program, how to recognize student service, and whether "voluntary" excluded placements for academic credit.

27. Minutes of the Legal Assistance to the Disadvantaged Committee of the MSBA (Mar. 12, 1999).



### A. *Joint Administration*

The Program partners wanted to create a model in which all law student volunteers in the state could be recruited, trained, placed and tracked through one administrative entity. After much study of other national public service models, and after conducting a meeting with a large group of Minnesota's legal service providers,<sup>28</sup> LSI recommended a coordinated approach to administering the Program.<sup>29</sup>

The Minnesota Justice Foundation was eager to provide that approach:

[I]t would be a disservice to students, lawyers, and clients if each institution, MJF, direct service providers and individual students were to pursue their own initiatives [in securing volunteer placements]. The Minnesota Justice Foundation was recommended by the Law School Initiatives Subcommittee, the University of Minnesota Law School's Committee on Public Service, and the direct service providers as the entity best positioned to perform this coordination of service.<sup>30</sup>

With this type of administration, each school would not have to hire individual program staff to administer their public service program; a joint administrative structure would mean less expense for the law schools.<sup>31</sup> Also, a jointly administered program would

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28. More than thirty lawyers representing twenty-five nonprofit and government law offices, as well as law firm and bar association pro bono coordinators, met at William Mitchell College of Law on July 31, 1997 to discuss an expanded public service program for law students. These providers discussed logistical challenges posed by the increased number of student volunteers, as well as their ideas for developing additional and new public service opportunities for students. MINN. JUSTICE FOUND., A REPORT AND ACTION PLAN FOR EXPANSION OF PUBLIC SERVICE OPPORTUNITIES AT THE THREE MINNESOTA LAW SCHOOLS at 2 n.5 (Fall 1997) [hereinafter MJF Action Plan].

29. Model Policy, *supra* note 15, at 5.

30. MJF Action Plan, *supra* note 28, at 9.

31. The MJF Executive Director at that time, Theresa Murray Hughes, estimated the total projected cost of the Program at between \$40,000 and \$54,000 per school with over 25% of the program costs covered by MJF's own external fundraising activity. "On average this is significantly less expensive than other law school [public service] programs across the country . . ." *Id.* at 10-11. "The University of Pennsylvania Law School spends approximately \$145,000 per year for its public service program; Tulane Law School spends approximately \$125,000 per year. Under this Committee's proposal, our law school could attain a program of similar quality and scope while paying less than one-third the cost." U of MN Memo, *supra* note 18, at 10, n.15.

lessen inter-school competition for placements, as students across the three schools would have access to the same volunteer opportunities and would be dealing with the same recruiting and training entity.<sup>32</sup>

*B. Flexible, School-Specific Decision-making*

While Program partners wanted a collaborative program, they also recognized that the Program must adapt to the law school hosting it: each school had its own academic culture, administrative structure, student body, student schedules, faculty ideologies, and curricular and clinical approaches. The Program, then, would need to be flexible enough to allow for some independent administration at each school. For example, representatives for each school could make their own decisions regarding how to market the Program to their students, how to recognize students who participated in the Program, or even whether a particular placement falls within Program guidelines.<sup>33</sup> The U of MN Committee recognized the importance of design flexibility:

While MJF could provide the basic administrative services, the law school would need to be continuously involved in the program at a policy level and in other respects. Thus, the dean could create a permanent Public Service Committee that would work in cooperation with MJF to define, oversee, and promote the program.<sup>34</sup>

Program partners feared that launching a tri-school program with a separate independent administrator might result in individual schools failing to take ownership of the program. LSI was pleased to report that, by allowing for school-specific oversight, each of the three schools individually tailored their school's program.<sup>35</sup>

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32. See Lesnick, *supra* note 25, at 35 (stating "although I would be delighted to have other schools in the Philadelphia area do what we are doing, that delight would be somewhat alloyed by the recognition that their students would be competing with ours for placement.").

33. For example, the U of MN Committee designated a three-member subcommittee and charged it with helping MJF decide whether certain placements fell within the U of MN's definition of law-related public service. Memorandum from Theresa Murray Hughes, Executive Director, MJF, to Steve Befort, Professor, University of Minnesota Law School 1 (Aug. 24, 1998) (on file with author).

34. U of MN Memo, *supra* note 18, at 10 n.13.

35. Minutes of the Legal Assistance to the Disadvantaged Committee of the MSBA (Mar. 12, 1999). While all three schools adopted (1) the program as voluntary, (2) the 50-hour service goal before graduation, and (3) the

C. *Responsive to Both Students and Legal Service Providers*

One logical concern facing Program partners was how to make the Program simultaneously effective for students and the legal service providers supervising them. Before launching the Program, MJF studied the participation rates by Minnesota law students in public service and pro bono projects, and estimated that slightly over 1,000 students from the three schools participated in public service work in the 1996-97 academic year, with slightly over three hundred attorney supervisors.<sup>36</sup> Students performed this service through a variety of means, including MJF placements, law school clinics, other school-sponsored programs (such as an Asylum Law or Human Rights Project), or self-designed externships or practica.<sup>37</sup>

Assuming a non-participation rate of 15% to 20%, MJF estimated that students would need an additional 250-300 placements a year in order to accommodate their projected increased participation after the Program's launch. Program partners faced the question of how not to overwhelm the legal services community with well-meaning student volunteers.

Initially this figure may seem a bit daunting, yet members of the MSBA's Law School Initiatives Subcommittee are very optimistic that with adequate resources and ongoing dialogue and collaboration between the law schools and members of the public interest and private legal communities, enough placements can be generated to meet the needs of all interested students.<sup>38</sup>

MJF worked with LSI and members of the legal service community to develop new types of volunteer placements to supplement the more traditional opportunities of performing research, client intake, or drafting at a local legal aid office. Calling them "Pilot Projects" to indicate that they were being tested as viable law-related public service opportunities, MJF began

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requirement that public service be law-related, they differed on other details. For example, the University of Minnesota Law School decided that no placements for academic credit could count toward a student's 50 hours. And all three schools decided to recognize participating students in different ways, ranging from differently worded transcript notations, to recognition ceremonies and name publication in graduation bulletins.

36. MJF Action Plan, *supra* note 28, at 2, 5.

37. *Id.* at 3. MJF counted more than thirty clinical and practicum opportunities among the three law schools. *Id.*

38. *Id.* at 6.

placing students in new settings, such as court monitoring groups, tenant hotlines, or community legal education settings. They also developed new opportunities within government agencies and offices, and began working with the pro bono coordinators of private law firms so that students could assist private sector lawyers with their pro bono work.

Program partners emphasized a key component to volunteer placements: the need for adequate supervision. "All law-related public service must be adequately supervised, to safeguard both the client's legal interests and the student's educational interests . . . Professional ethics and good practice demand nothing less. Lawyers supervising students are responsible for insuring [sic] that clients receive competent, effective, and ethical representation."<sup>39</sup>

What would supervising attorneys get in return for their competent oversight? They would have access to a kind of one-stop shopping for their law student volunteer needs. Whereas some service models would require providers to recruit volunteers on their own from across the schools or to respond to multiple cold calls from law students seeking volunteer opportunities, a truly efficient program would be one that allowed providers to work with one agency to satisfy their volunteer needs. With one comprehensive program, a provider could submit a volunteer request listing how many student-helpers she required, how many hours per day or week she needed them, and for what kind of project; she could even specify other pre-requisites such as whether the student needed to have finished one year of law school, or speak a certain language, or have taken a particular law course.<sup>40</sup>

Similarly, the Program would have to employ a staff that was responsive not only to the providers' needs but also to those of the law students. MJF's recruiting and training staff would need to continually develop new law-related placements for the growing number of student volunteers. This staff would also need to recognize students' constraints (such as class and exam schedules), while measuring their skills and interests to make a suitable match between provider and student.<sup>41</sup>

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39. Model Policy, *supra* note 15, at 5-6. See also Lesnick, *supra* note 25, at 36 (stating "my own view is that it is not responsible for a school simply to say to students, 'Go out with this list of lawyers and find someone who will supervise you.'").

40. See MINN. JUSTICE FOUND., Volunteer Request Form (Dec. 26, 2000).

41. See MINN. JUSTICE FOUND., Volunteer Information Form (Aug. 10, 2000). Students can also learn about volunteer opportunities and access volunteer forms

LSI's choice of MJF as the entity to administer the Program was a logical one precisely because the agency had already, over the course of fifteen years, forged connections with the legal service provider system.<sup>42</sup> They had done this by operating a summer public interest clerkship program, and by administering a smaller school-year volunteer program at the three schools. When charged with administering this expanded Program, MJF opened offices at each of the three law schools and staffed those offices with full-time attorneys to recruit and train students, and to develop new volunteer placements.

This expansion by MJF was, of course, accompanied by a good deal of fundraising to garner external financial support for the project. For even though Program partners envisioned that the law schools would eventually support the Program financially,<sup>43</sup> MJF needed critical start-up or bridge funding until the law schools could work the appropriate financial support into their budgets.<sup>44</sup> Also, MJF believed that a certain level of outside funding was critical to the Program. "Outside funding keeps the program independent, free from becoming too closely affiliated with any one school, keeps the program connected to the legal services community, and keeps the programming efficient."<sup>45</sup>

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and resources by going online. See <http://www.probono.net/mn> (last visited Aug. 8, 2001).

42. MJF was founded in the early 1980s as a student group of the University of Minnesota Law School. It quickly incorporated as a stand-alone non-profit, and eventually hired a professional staff. It also set up student chapters at each of the Minnesota law schools; these chapters host educational programs and raise money for summer public interest clerkships. MJF's mission is to help fill the legal needs of Minnesota's low-income, disadvantaged and under-represented by connecting law students into the legal services delivery system.

43. See *supra* note 31 and accompanying text.

44. Of the law schools, William Mitchell College of Law has taken the lead on funding the Program. See Minutes of the Legal Assistance to the Disadvantaged Committee of the MSBA (Nov. 5, 1998). Early non-school Program funders included the St. Paul Foundation, Minnesota State Bar Foundation, Otto Bremer Foundation, General Mills Foundation, the Williams Steel Foundation, the Hennepin and Ramsey County Bar Foundations, Minnesota's Legal Services Advisory Committee and Lawyers Trust Account Board, the Minnesota Campus Compact, the AmeriCorps\*VISTA Program, and the National Association of Public Interest Law (NAPIL). The collaborative spirit of the law schools played a role in funding as well: In December of 1998, all three law schools committed matching funds to hire a two-year NAPIL fellow (Bridget C. Johnson) to help steer the Program. Minutes of the Legal Assistance to the Disadvantaged Committee of the MSBA (Dec. 17, 1998) (on file with author).

45. MINN. JUSTICE FOUND., Request for Funding to the Minnesota Legal Services Advisory Committee 16 (Apr. 14, 2000) (on file with author). MJF's board

#### IV. PROGRAM ACHIEVEMENTS

After one full year of testing dozens of Pilot Projects, MJF and its partners officially launched the Program at the three schools in the fall of 1999. At the end of that very first semester, there was a 64% increase in student participation, as compared to the previous fall of 1998.<sup>46</sup> Student interest continues to grow: the total number of law students participating in the Program increased 72% between 1997-98 and 1998-99. Participation rates then leaped nearly 64% between 1998-99 and 1999-2000.<sup>47</sup>

MJF's staff functions in administering the Program were carefully enumerated by Program partners, working with the law schools' individual implementation committees:

- Identify and develop appropriate placements that provide students with a broad range of opportunities to perform law-related public service;
- Prepare and educate attorneys who supervise student volunteers to ensure an educational experience of high quality for the student;
- Provide one-on-one pre-placement screening and counseling for student volunteers to inform them of the available public service options and help them choose an option appropriate to their interests;
- Provide pre-placement workshops for student volunteers to educate them about socioeconomic issues and issues of substantive law that they are likely to encounter while performing law-related public service;
- Conduct post-placement workshops for students where they are able to evaluate and reflect upon their public service experience; and
- Maintain data about student public service, including

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of directors is made up of practicing attorneys from the private, public and non-profit sectors, client representatives, and law students from all Minnesota law schools, but does not include faculty or administrative personnel from any of the law schools.

46. Email from Sharon Fischlowitz, Executive Director, Minnesota Justice Foundation, to Susan J. Curry, Co-Chair, LAD Committee (June 21, 2001) (on file with author).

47. *Id.* These participation figures reflect only the number of students who participated in a placement through MJF. Between 650 and 700 additional students perform service in a law school clinical setting or other for-credit placement, and approximately 100 additional students volunteer through a student organization or law school institute. MJF Action Plan, *supra* note 28, at 4.

student evaluations, in order to document the program's activities, measure its effectiveness, and provide a complete source of information for future participants.<sup>48</sup>

At the start of each semester and throughout the school year, MJF staff collects specific volunteer requests from Minnesota legal service providers; simultaneously, they collect volunteer information from the law students, including data regarding their skills, interests, languages, and schedules. MJF's staff attorneys spend individual time with each student, believing that this one-on-one pre-placement screening and counseling "ensures that the student and lawyer/program are an appropriate match."<sup>49</sup>

Students volunteer with a wide variety of law-related initiatives. They assist traditional legal aid attorneys in neighborhood poverty law offices; they work with private attorneys through Pro Bono Attorney Clinics; they serve at government agencies such as state and county public defenders, the Attorney General's office, or the state's Department of Human Rights; they perform community legal education by teaching Street Law to at-risk teens at alternative schools and alternative learning programs. Many students come to law school with a strong public service ethic. Others recognize volunteering as a way to gain practical legal experience, concrete legal skills, and networking contacts.

## V. CONCLUSION: CRITICAL INGREDIENTS AND FUTURE CHALLENGES

MJF currently estimates that 34% of students in Minnesota's law schools participated in the Program in the 1999-2000 academic year.<sup>50</sup> Another 33% of law students participate in public service placements through their law school clinic or another for-credit opportunity, through a self-developed placement or student organization opportunity, or through one of their law school's research centers or institutes.<sup>51</sup> But involving 67% of the state's law students in some kind of public service is still short of Program partners' long-term goal of reaching 80% of students.<sup>52</sup>

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48. U of MN Memo, *supra* note 18, at 9. See also MJF Action Plan, *supra* note 28, at 9-10. Examples of the Program's materials can be found online. See <http://www.probono.net/mn> (last visited Aug. 8, 2001).

49. MJF Action Plan, *supra* note 28, at 9.

50. Email from Sharon Fischlowitz, *supra* note 46. Figures are for the 1999-2000 academic years. Nearly 750 students, out of a total student population of approximately 2,200, sought a volunteer placement referral from MJF. *Id.*

51. MJF Action Plan, *supra* note 28, at 3-4.

52. MINN. JUSTICE FOUND., et al., Joint Request for Funding to the Minnesota

Whether or not the Minnesota model reaches an 80% participation rate, the results in Minnesota inform us that there are four stakeholder groups whose investment is critical to a program that also attempts to collaborate across schools and sectors: the participating schools, the private bar, the service providers, and the staff administering the program.

#### *A. Law Schools*

The cooperating law schools must take ownership of the program, marketing and promoting the program throughout their institutions. Students must hear about the program at all phases of their law school careers; they must learn about it even before they begin school at the recruitment stage, and they must continue to hear about it from the Alumni and Development offices well after they graduate. The schools should use targeted messages in their recruitment materials, including their view books, and should develop special information mailings from their Admissions offices. The schools must then follow up with saturation messaging during first-year orientation.<sup>53</sup> By thoroughly introducing the Program to their faculty and staff of each of their administrative offices, including Career Services Offices and, of course, the Clinical Programs, the law schools can help their staff and faculty give the message to students that public service is valued and Program participation is expected.

#### *B. Private Bar*

Ideally, a given state's bar association should be one partner in any law school public service program that purports to be a statewide initiative. In Minnesota, the MSBA provided the impetus for the Program's development and launch. Members of the private bar helped grapple with early important issues of how to define public service, how to define "law-related" public service, and whether a Minnesota public service program should be voluntary or mandatory. Through ongoing service on the LSI or the LAD Committee, MSBA members continue to steer the Program; they assist MJF with developing new volunteer

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Campus Compact 1 (Oct. 7, 1999).

53. So pervasive is the Orientation messaging at the Minnesota law schools, that a good number of incoming students are left with the impression that the Program is mandatory.



opportunities, help market and publicize the Program, and recommend funding opportunities. And they play a more direct role in the Program by developing ways to connect volunteer law students with a relatively untapped resource of attorney-supervisors: private attorneys performing their own pro bono work. Law firm pro bono coordinators can play a vital role in experimenting with ways to bring law student assistance to their firms' attorneys.<sup>54</sup>

### C. *Provider Network*

Any direct service provider who has ever worked with volunteers will admit that it can sometimes seem as though volunteers—with their training and supervision needs—actually create *more* work for the provider. To avoid this, a law student public service program must emphasize provider needs. As in Minnesota, direct service providers should have initial input in program design, and continuing input as implementation proceeds. Providers will recommend that a law student public service program include project-specific and skills-specific recruiting, training and orientation. By using a program administrator like MJF that conducts the initial work of finding an appropriately-skilled volunteer, providers are better able to invest their very limited time.

### D. *Program Staff*

The staff administering a comprehensive program such as this one must, as already discussed, attend simultaneously to the needs of providers and law students. They should challenge providers to imagine—and then assist them in developing—new ways of utilizing law student volunteer hours. They should help law students develop volunteer opportunities that mesh with their interests and needs. They must also create volunteer opportunities in substantive legal areas in addition to such traditional poverty law areas as housing and family law.<sup>55</sup> Very simply, the program staff must create many and varied opportunities for students. Volunteer

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54. In Minnesota, for example, law firms are using law student volunteers to perform community legal education and outreach to at-risk teens in public high schools, alternative learning programs and area learning centers.

55. For example, students interested in tax may take advantage of volunteer opportunities assisting low-income individuals with their tax forms and claiming appropriate tax credits.

recruitment must be widespread, conducted through as many media as possible (the Internet, student mailboxes, bulletin boards, open meetings, classroom presentations, individual appointments). Pre-placement training is critical, as is post-placement reflection. In Minnesota, MJF has hired attorneys to perform these varied tasks, believing that attorneys are best able to relate to the experience of law school and the needs of practitioners.<sup>56</sup>

### *E. Challenges*

#### *1. Greater Minnesota*

Though the Minnesota model has met with increasing student interest and some early success, Program partners still face considerable challenges. Interestingly, one reason for the success of the Program is also the cause of one of its biggest obstacles: all of the law schools, including Minnesota's newest law school at the University of St. Thomas, are located in the Twin Cities within ten miles of one another. Certainly, the Twin Cities are home to the majority of the state's impoverished persons and the majority of legal service providers who serve them. Also, from a manager's perspective, it is far easier to administer a small agency with multiple offices if those offices are located near one another. But, while one hundred percent of law student resources exist within the Twin Cities, forty percent of the state's legal need exists in the Greater Minnesota region.<sup>57</sup> The Program must continue to develop initiatives to deliver law student resources to this population.

Currently, MJF and other Program partners are implementing four strategies to correct this mismatch between resources and need. First, MJF organizes a number of Spring- and Winter-Break volunteer opportunities, through which students can devote their mid-term vacations to serving low-income and disadvantaged

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56. Telephone Interview with Sharon Fischlowitz, Executive Director of the Minnesota Justice Foundation (June 21, 2001). MJF staff attorneys perform career services roles at the law schools as well; they assist and counsel those students who are interested in public interest careers, they help them draft appropriate resumes and cover letters, and they co-host a yearly tri-school public interest career fair for students and providers. *Id.*

57. MINN. JUSTICE FOUND., Application for Funding to the AmeriCorps\*VISTA Program (June 2000) (on file with author).

Greater Minnesotans.<sup>58</sup> Second, MJF encourages rural and other Greater Minnesota providers to submit research and/or writing requests, which students can perform from the Twin Cities. Third, MJF runs another program, called the Summer Clerkship Program, through which it raises funds from law firms and legal foundations to pay poverty law offices a stipend that allows them to hire summer law students for a ten-week period. MJF encourages those students who accept paid clerkships in Greater Minnesota to serve additional days or weeks beyond their ten-week clerkship period. If a student chooses to serve this extra time, she can then allocate those hours toward the Program's 50-hour goal. In this way, Greater Minnesota providers can stretch their summer law student resources a bit further. Fourth, MJF and other Program partners are currently developing ways to use the Internet and other computer and communication technology, such as video/web conferencing and toll-free hotlines, to match students with Greater Minnesota providers and their clients on a more regular basis.<sup>59</sup>

## 2. *The Law School Curriculum*

With two years of encouraging results from the public service component of the Program, the Program partners are now turning their attention to the first two curricular recommendations articulated in LSI's Model Policy.<sup>60</sup> A public service program must exist in tandem with a law school curriculum that is infused with a public interest or poverty law perspective. In the coming year, MJF will serve as a resource to teams of faculty from across the three schools as they work with legal service providers to develop six two-hour poverty law lesson plans or modules for the first-year curriculum. When completed and tested in the 2001-2002 academic year, the modules can be used in the six core law school courses of Contracts, Civil Procedure, Criminal Law, Torts, Real Property, and Constitutional Law.<sup>61</sup> MJF is also facilitating a second curriculum project for 2002, entitled "Legal Scholarship for

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58. Telephone Interview with Sharon Fischlowitz, *supra* note 56. Past service projects have included trips to Duluth, Winona, Bemidji, Rochester, Willmar, Comfrey, and Mankato; in the 2000-01 academic year, students have focused their service in the areas of domestic violence, immigration, and community legal education law paperwork, and community legal education efforts. *Id.*

59. *Id.*

60. See *supra* text accompanying note 16.

61. *Curriculum Project Update*, PRO BONO REPORT, (Minn. Justice Found., Minneapolis, Minn.) Spring 2001, at 3.

Minnesota Communities,” through which they will bring law school faculty members together with practitioners to identify, and collaborate on, poverty law issues of mutual concern.<sup>62</sup>

With these latest efforts, Minnesota’s Program partners hope to create an ongoing academy-community dialogue that will better enable legal scholars to consider ways of addressing critical poverty law issues in their own scholarly work and that of their students.

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62. Memorandum from Heather Rastorfer, Staff Attorney, Minnesota Justice Foundation, to Susan J. Curry, Co-Chair, LAD Committee (June 20, 2001) (on file with author).

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