

AMERICAN BAR ASSOCIATION
LAW STUDENT DIVISION
REPORT TO THE HOUSE OF DELEGATES
RESOLUTION

1 RESOLVED, That the American Bar Association urges state, territorial, tribal courts, and
2 law schools to adopt a “Pro Bono Scholars Program” in their respective jurisdictions that
3 allows law students, in their final semester of law school, to obtain a full-time externship
4 placement providing supervised pro bono services which deliver legal and other law-
5 related services to the underserved through non-profit legal organizations; and

6 FURTHER RESOLVED, That the American Bar Association urges that eligible “Pro Bono
7 Scholars” be provided the opportunity to take the February bar examination in their
8 respective jurisdictions (if offered) during their final semester of law school.
9

REPORT

Introduction

In February of 2014, the State of New York spearheaded a new initiative: the “Pro Bono Scholars Program.”¹ This program marries practical experience for law students with the community’s need for more pro bono legal services.

The Pro Bono Scholars Program allows third-year law students to devote their final semester of law school studies to serving underprivileged populations in an externship-style placement. Following an application process, accepted students take New York’s February Bar Exam and proceed to work full-time from March through May, performing approximately 500 hours of pro bono legal services. In addition, these students attend a weekly seminar, hosted by law school faculty, on topics chosen by their respective law schools. In essence, the Pro Bono Scholars Program is an academic externship with extra benefits for those involved. Growing continually, 2018 graduated the largest class of participants yet - close to 80 students across the state of New York.²

We encourage the American Bar Association (“ABA”) to embolden law schools, courts, and bar associations nationwide to design and implement a Pro Bono Scholars Programs in their respective jurisdictions. While this Report will use New York as an example and model for the purposes of illustration, each state has the ability to design and implement its own Pro Bono Scholars Program, in conjunction with local legal aid providers, court systems, and law schools.

Responsibility of the Profession

Pro bono service is a pillar of the legal profession. For law students, it provides a multitude of personal and professional benefits. Underlying these benefits, however, is the responsibility that pro bono service presents the members of the profession and those who seek to gain admission to it.³ Such service calls for lawyers, regardless of

¹ Hon. Jonathan Lippman, *State of the Judiciary Address*, New York State Unified Court System (Feb. 11, 2014), accessible at <https://www.nycourts.gov/whatsnew/pdf/2014-SOJ.pdf>.

² Verified by Samantha Pallini (primary drafter) in the Summer of 2018. Data available upon request.

³ Indeed, Rule 6.1 of the ABA Model Rules of Professional Conduct state that “a lawyer should aspire to render at least (50) hours of pro bono publico legal services per year” and that “a substantial majority of the (50) hours” should be to “persons of limited means” or to organizations that support the needs of persons of limited means. Model Rules of Prof’l Conduct R. 6.1 (2009).

102

“prominence” or “workload,”⁴ to use their talents and skills to improve the lives of underprivileged populations.⁵ Developing this understanding and skillset during law school can “significantly benefit underprivileged [populations] and bridge the rapidly growing gap between the legal needs of those who cannot afford legal services and the resources available to meet those needs.”⁶

In 2013, the ABA’s Standing Committee on Pro Bono and Public Service conducted a report on American lawyers’ pro bono work. This nationwide study revealed that, in order to “fulfill [the legal profession’s] responsibility to provide pro bono legal services to those most in need,” institutional leadership needed to come from, among other entities, law schools.⁷ This came as no surprise to the Committee or to those reading the report. Yet, access to justice initiatives today still struggle with a host of monetary, resource, and volunteer-related issues. In fact, in 2017, the Legal Services Corporation (“LSC”) reported that “low-income Americans approached LSC-funded legal aid organizations for support with an estimated 1.7 million problems[,]” for which those Americans could receive “only limited or no legal help for more than half of th[eir] problems due to a lack of resources.”⁸

It is for these reasons that law schools must continue to expand and grow their pro bono involvement and programming, so as to fulfill their professional obligations, prepare their students for the profession to which they seek to gain admission, and, most importantly, to continue to work toward bridging the gap between legal services and those in need of them.

⁴ Model Rules of Prof’l Conduct R. 6.1 (2009).

⁵ See, e.g., Preamble to the Model Rules of Prof’l Conduct R. 6.1 (2009). “A lawyer should be mindful of deficiencies in the administration of justice and of the fact that the poor, and sometimes persons who are not poor, cannot afford adequate legal assistance. Therefore, all lawyers should devote professional time and resources and use civic influence to ensure equal access to our system of justice for all those who because of economic or social barriers cannot afford or secure adequate legal counsel.”

⁶ American Bar Association Standing Committee on Pro Bono and Public Service, *Pro Bono Publico*, Pro Bono Resources, accessible at https://www.americanbar.org/groups/legal_education/resources/pro_bono.html.

⁷ American Bar Association Standing Committee on Pro Bono and Public Service, *Supporting Justice III: A Report on the Pro Bono Work of America’s Lawyers*, at 34, accessible at https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_Supporting_Justice_III_final.authcheckdam.pdf.

⁸ NORC at the University of Chicago for Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (2017), accessible at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

Composition and Administration of the Program

This program enables law students to effectively complete their law school academic classes in five semesters, with the sixth semester of coursework being dedicated to providing full-time pro bono legal services to underprivileged populations. As the former New York Court of Appeals Chief Judge, Jonathan Lippman, stated in his announcement of New York’s program, “[t]he overarching goal for the Pro Bono Scholars Program is to instill in future members of the New York [B]ar the value of public service to the poor[.]”⁹

After an application and acceptance process, and at the completion of their fifth semester of law school, 3L law students accepted into the Pro Bono Scholars Program are effectively finished with traditional law school academic coursework.¹⁰ During the couple of months that follow, program participants study in preparation for the February Bar Exam (if offered).¹¹ After taking the February Bar Exam, participants proceed to their pro bono placements in March, wherein they work approximately 45-hour weeks “under the supervision of a legal services provider, law firm, or corporation in partnership with their law school.”¹² This placement lasts for 12 weeks, and it provides the participants with a minimum of 12 academic credit hours.¹³ In addition to working at their placements, students attend a weekly seminar hosted by their respective law schools, wherein they discuss a variety of legally-relevant topics (e.g., client confidentiality).¹⁴ At the close of their 12-week commitment, participants will have completed at least 500 hours of pro bono work and will proceed to walk at graduation with their fellow 3L classmates.¹⁵

In summary, participants “receive law school credit for their work and remain under their law school’s educational umbrella and stewardship while gaining practical

⁹ Id. at 4.

¹⁰ *Pro Bono Scholars Program Placement Guide* accessible at <https://www.nycourts.gov/attorneys/probonoscholars/PBSP-Placement-Guide.pdf>.

¹¹ Id.

¹² NORC at the University of Chicago for Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (2017), accessible at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

¹³ *Pro Bono Scholars Program Placement Guide* accessible at <https://www.nycourts.gov/attorneys/probonoscholars/PBSP-Placement-Guide.pdf>.

¹⁴ Id.

¹⁵ Id.

102

experience in the real world and helping those who cannot afford legal services.”¹⁶ This is the current composition and administration of New York’s version of a Pro Bono Scholars Program; however, the management and operation of a Pro Bono Scholars Program is not something that needs to be identical from state-to-state. Law schools are encouraged to work closely with their respective court systems and bar associations to develop a program that is best for their students, their community, their jurisdiction, and their legal aid providers.

Pursuant to ABA Standards 303 and 304, a program of this nature also satisfies the curriculum standard that students must participate in a minimum of six credits of experiential learning.¹⁷ Moreover, a Pro Bono Scholars Program mimics the format of the already ABA-approved externship programs. It is, therefore, a feasible program for law schools nationwide to implement, as the framework for externship programs is already a heavily-utilized and widely-accepted educational arrangement.¹⁸ Finally, each state (except Delaware) has a February Bar Exam, furthering the ability of almost every state to implement a Pro Bono Scholars Program.

Benefits of Nationwide Adoption

I. Benefit to Students

Pro bono work in a full-time, semester-long capacity provides students with an abundance of practical experience, which also fulfills curriculum standards set forth by the ABA.¹⁹ As aforementioned, this program is an externship with additional benefits. The

¹⁶ NORC at the University of Chicago for Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (2017), accessible at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report>.

¹⁷ ABA Section of Legal Education and Admissions to the Bar, *Managing Director’s Guidance Memo*, Standard 303(a)(3) (March 2015), accessible at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_authcheckdam.pdf.

¹⁸ Law student participation in practical legal experiences, via law school externships, has been consistently increasing nationwide. See, e.g., James H. Backman and Cory S. Clements, *Significant but Unheralded Growth of Large Externship Programs*, 28 *BYU J. Pub. L.* 145, 185–218 (2013), accessible at <https://digitalcommons.law.byu.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1489&context=jpl>.

¹⁹ ABA Section of Legal Education and Admissions to the Bar, *Managing Director’s Guidance Memo* (March 2015), accessible at https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/governancedocuments/2015_standards_303_304_experiential_course_requirement_authcheckdam.pdf.

key differences between an externship and the Pro Bono Scholars Program is accelerated testing for the Bar and how the work specifically targets “the availability of legal services to needy populations.”²⁰

Following New York’s creation of the Pro Bono Scholars Program, Chief Judge Lippman formed an advisory committee made up of law school deans from around the state.²¹ Led by Judge Victoria Graffeo, Chief Judge Lippman tasked the committee with “collaboratively and expeditiously resolv[ing] any outstanding issues related to program implementation and evaluation[,] in addition to the assurance of] a smooth transition for the new protocols.”²² Following the implementation of New York’s first semester of the Pro Bono Scholars Program in the spring of 2015, Judge Graffeo authored an article in the *Journal of Experiential Learning*.²³ Therein, she clarified the program’s objectives, structure, administration, and need.²⁴

Moreover, one thing made abundantly clear is that accelerated testing for the Bar is an adequate reward for those law students who dedicate their final semester of law school to working exclusively on behalf of underprivileged populations.²⁵ This perk of the program, however, would not be a reward if the students taking the Bar Exam were not adequately prepared for it and, in consequence, did not pass the Exam. Hearteningly, the law students who have participated in New York’s Pro Bono Scholars Program are most often the students who pass on their first try. In February of 2017, 71% of first-time New York Bar Exam takers passed the Bar.²⁶ However, this statistic refers to *all* of the February Bar Exam takers. With specific reference to those who were Pro Bono Scholars, The University at Buffalo School of Law reported that their students passed with a 100% pass

²⁰ American Bar Association Standing Committee on Pro Bono and Public Service, *Pro Bono Publico*, Pro Bono Resources, accessible at https://www.americanbar.org/groups/legal_education/resources/pro_bono.html.

²¹ Hon. Jonathan Lippman, *State of the Judiciary Address*, New York State Unified Court System, at 5 (Feb. 11, 2014), accessible at <https://www.nycourts.gov/whatsnew/pdf/2014-SOJ.pdf>.

²² Hon. Jonathan Lippman, *State of the Judiciary Address*, New York State Unified Court System, at 5 (Feb. 11, 2014), accessible at <https://www.nycourts.gov/whatsnew/pdf/2014-SOJ.pdf>.

²³ Hon. Victoria Graffeo, *The New York Pro Bono Scholars Program – Practical Legal Experience Assisting the Indigent that is Rewarded with Accelerated Bar Admission*, 1 *Journal of Experiential Learning* 1 (April 2015).

²⁴ *Id.*

²⁵ *Id.*

²⁶ New York Bar Exam, 2017 Statistics, accessible at https://www.nybarexam.org/ExamStats/2017_NY_Bar_Exam_PassRates.pdf.

102

rate.²⁷ Moreover, Brooklyn Law School reported that 100% of their Pro Bono Scholars have passed every year since the program went into effect in the spring of 2015.²⁸ The other New York schools echo these statistics, with rates at or above 80%, even dating back to the spring of 2015, when the statewide program's first participants took the February Bar Exam.²⁹ Consequently, this special reward offered to the Pro Bono Scholars has proven to be a fruitful one, as the students emerge from the February Bar Exam ready to take on the legal profession.³⁰ New York features law schools ranging from a #5 ranking to no ranking at all; and yet, the students participating in its various Pro Bono Scholars Programs have nevertheless proven that the commitment was worth the reward³¹.

In most instances, program participants in New York enter their first post-graduate job with an advantage over their fellow first-year associates. One Pro Bono Scholars Program participant reports that she will be entering her post-graduate job in September of 2018 with "second-year associate status," in a Manhattan attorney position, as a direct result of the 500 hours of practical experience she will have completed at her current pro bono placement.³² This advantage sets her, and other program participants, up for great success immediately upon starting at their post-graduate jobs. In some cases, participants of the program can even begin their post-graduate jobs as admitted attorneys as early as June or July, unlike their peers who will be in the midst of bar preparation and will not be admitted until several months later.

For those participants who do not have jobs upon graduation, the Pro Bono Scholars Program is an invaluable marketing tool for students to become more attractive to employers. The nature of the work performed in their placements benefits them by

²⁷ Susan DeSantis, *Vast Majority of NY Law Schools Improve Bar Exam Passing Rates*, New York Law Journal (Nov. 27, 2017), accessible at

²⁸ <https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2017/11/27/vast-majority-of-ny-law-schools-improve-bar-exam-passing-rates/>.

²⁹ "Of the 106 Pro Bono Scholars who sat for the February 2015 examination, 90 passed the examination for a passing rate of 85%." New York State Board of Law Examiners, *Press Release: February 2015 Bar Exam*, at 2 (April 28, 2015), accessible at https://www.nybarexam.org/press/SBLEPressRelease_Feb2015BarExam.pdf.

³⁰ Students who do not attend a law school in New York, but who intend to take the New York Bar Exam, may participate in the Pro Bono Scholars Program, with certain permissions. *Pro Bono Scholars Program: Interested Student*, New York State Unified Court System, at 2, accessible at <https://www.nycourts.gov/attorneys/probonoscholars/InterestedStudents.pdf>.

³¹ <https://www.usnews.com/best-graduate-schools/top-law-schools>.

³² Phone interviews with N.P. of Pace Law School, Spring 2018 participant in the Pro Bono Scholars Program, conducted January 9, 2018 and March 26, 2018.

“increasing their knowledge and marketability, [providing] practical experience, developing skills, enhancing their reputations[,] and [letting them] explor[e] alternative career opportunities.”³³ In their placements, program participants accumulate hundreds of hours of experience in motion practice, transactional work, client interaction, and appearances before courts - in addition to the experiences they have already amassed from prior internships and externships throughout their law school careers. This puts participants at an advantage over their peers when seeking out post-graduate job opportunities, as it affords them the time, space, and networking to explore viable post-graduate opportunities they may not have otherwise been afforded.

Chief among the benefits to program participants, however, is the education that comes from serving those in need. One program participant, Joseph Schofield of CUNY School of Law, spoke highly of his spring 2015 placement with the Housing Unit of the New York Legal Assistance Group (“NYLAG”):

“From the moment you arrive, there is a distinct impression that people are being pushed along in the machine of a deeply impersonal bureaucracy. It was the day of one of our last big snow storms. People were waiting outside as the snow fell, then waiting again to get through security where they had to remove their belts and jackets and weren’t allowed to bring in food or water. Their next task was to wait as long as an hour or more for a landlord’s attorney to call their name and begin negotiations. Too often in Housing Court, things happen only at the mercy of the landlord attorney. It is such a privilege to be able to help level that playing field.”³⁴

Following Joseph’s placement with NYLAG, he was hired on as a full-time Poverty Justice Solutions Fellow after graduation, and today, he works he works as a Staff Attorney for NYLAG’s Tenants’ Rights Unit.³⁵ Joseph is just one of the many examples where law students are given a window into the world of public service, providing them an occasion to witness the need for legal services for underprivileged communities whilst giving them

³³ American Bar Association Standing Committee on Pro Bono and Public Service, *Pro Bono Publico*, Pro Bono Resources, accessible at https://www.americanbar.org/groups/legal_education/resources/pro_bono.html.

³⁴ Alison Sclater, New York State Bar Association, *Pro Bono News*, Volume 25, No. 2, at 12 (Spring 2015), accessible at <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=56200>.

³⁵ Joseph Schofield, Staff Attorney at New York Legal Assistance Group, accessible at <https://www.nylag.org/staff/joseph-schofield>.

102

the opportunity to do something about it. Even when program participants do not find themselves in placements that become their “passion projects,” they are nonetheless exposed to the importance of service and the recognition of the immense privilege that accompanies those who pursue a career in the legal profession.³⁶

As a final point, the reward of taking a Bar Exam prior to graduation means that the students who participate in the Pro Bono Scholars Program are non-degree-holding, full-time students. As a result, they receive academic credit for their placement, and, therefore, are able to proceed with the funding they have had for the entirety of their law school studies.³⁷

II. Benefit to Law Schools

In recent years, the push for more innovative experiential programming – study abroad programs, accelerated programs, and externships in large cities – has become a focus for most legal institutions. With the creation of a Pro Bono Scholars Program, law schools will be able to market to prospective students the opportunity to switch academic coursework after two and a half years, thereafter permitting those students to go on into academic ‘practice’ in the spring of their third year. All of this adds to the attractiveness of exiting law school with an advantage and a greater base of hands-on, practical knowledge.

Chief among the benefits to law schools is the preservation of law school autonomy. A Pro Bono Scholars Program is a baseline that each school must meet: placements focused on underprivileged populations, a weekly academic seminar, an attorney supervisor, and so on.³⁸ Despite these baselines, the creative minds behind New York’s Pro Bono Scholars Program emphasized the importance of each of the 15 law schools in New York having the flexibility to craft their programs according to their own

³⁶ Jeff Donigan, a 2015 graduate of SUNY Buffalo Law School, was drawn to the Pro Bono Scholars Program after working for a summer with the Erie County Bar Association Volunteer Lawyers Project and observing the need for greater access to services. “[M]any of our clients are in terrible situations,” he said. “It is so rewarding to assist them and put a mile on their faces.” Gayle T. Murphy, New York State Bar Association, *Pro Bono News*, Volume 25, No. 2, at 14 (Spring 2015), accessible at <https://www.nysba.org/WorkArea/DownloadAsset.aspx?id=56200>.

³⁷ “Students are able to keep their scholarships, financial aid, and grants that they have because, during their sixth and final semester, they are still a full-time student. They haven’t received a degree yet, they’re still taking the weekly seminar class, so they’re doing the same thing that they would if they were participating in a clinic or an externship.” In-person interview with Kim Wolf Price, Externship Director of Syracuse University College of Law, conducted April 17, 2018.

³⁸ *Pro Bono Scholars Program Placement Guide* accessible at <https://www.nycourts.gov/attorneys/probonoscholars/PBSP-Placement-Guide.pdf>.

students, curricula, and local communities' needs.³⁹ For example, program tailoring can be exercised with regard to details as minor as the amount of credits a law school awards to its students for participating.⁴⁰ In contrast, program tailoring can also be as great as the qualifications expected of its participants,⁴¹ the means of application to the program,⁴² the number of students accepted to each program,⁴³ and the selection of placements where students can be sent.⁴⁴

Beyond autonomy, law schools will benefit from the relationships they form with alumni, legal aid providers, and clientele. In giving back to their local communities through the service of their students, law schools engage underprivileged populations in more meaningful ways, strengthen alumni relationships through mentorship and supervision of their law students, and successfully comply with and exceed the standards and expectations of the ABA. In essence, permitting students to apply to a prestigious

³⁹ NORC at the University of Chicago for Legal Services Corporation, *The Justice Gap: Measuring the Unmet Civil Legal Needs of Low-income Americans*, Legal Services Corporation (2017), accessible at <https://www.lsc.gov/media-center/publications/2017-justice-gap-report> ("Respecting the autonomy of law schools, the issues of student tuition assistance or financial aid are not addressed by the Pro Bono Scholars Program guidelines — those are matters left to each law school. In addition, each American Bar Association-approved law school, whether situated in New York or elsewhere in the United States, is given the flexibility to develop its own guidelines for student eligibility, including deciding the extent to which academic standing will be a factor in the selection of participants. [...] Each law school will determine and design the appropriate academic component. To facilitate the role of the law school, in addition to a placement or clinical supervisor, each participant will be assigned a law school faculty supervisor who will monitor the student's progress and specify the nature of the classroom/seminar requirements of the program. Hence, a student benefits from the involvement of two supervisors — one from the faculty and one overseeing the pro bono work performed for the placement sponsor.").

⁴⁰ Columbia Law School offers 4 credits for the seminar and 8 credits for the placement. Columbia Law School, Pro Bono Scholars Program, accessible at http://law.columbia.edu/sites/default/files/microsites/social-justice/files/pbsp_cls_notice_and_application_2017.pdf. Brooklyn Law School offers 1 credit for the seminar and 11 credits for the placement. Brooklyn Law School, Pro Bono Scholars Program, accessible at <https://www.brooklaw.edu/academics/curriculum/coursedescriptions/course?id=448>. New York University School of Law offers 3 credits for the seminar and 11 credits for the placement. New York University School of Law, Pro Bono Scholars Program, accessible at <http://www.law.nyu.edu/academics/clinics/pbsp-litigation-organizing-social-change>. Syracuse University College of Law offers 2 credits for the seminar and 10 credits for the placement. Syracuse University College of Law, Pro Bono Scholars Program, accessible at http://law.syr.edu/uploads/docs/academics/Spring_2018_Course_Schedule.pdf.

⁴¹ *Pro Bono Scholars Program Placement Guide* accessible at <https://www.nycourts.gov/attorneys/probonoscholars/PBSP-Placement-Guide.pdf>.

⁴² Id.

⁴³ See chart on page 13.

⁴⁴ *Pro Bono Scholars Program Placement Guide* accessible at <https://www.nycourts.gov/attorneys/probonoscholars/PBSP-Placement-Guide.pdf>.

“Scholars” program, accepting those students deemed qualified, and then sending those students out to serve in the community doubles back as a public relations and marketing tool for law schools. It builds a positive reputation in the community whilst enhancing its public image with prospective students and alumni.

Finally, by offering a Pro Bono Scholars Program, law schools can fulfill their obligations to the profession as a whole. As aforementioned, a nationwide study by the LSC revealed that, in order to “fulfill [the legal profession’s] responsibility to provide pro bono legal services to those most in need,” institutional leadership needed to come from, among other entities, law schools.⁴⁵ It is crucial that law schools take this call to action seriously, and the offering of a Pro Bono Scholars Program would present a viable solution, with proven results, that would help so many people in such a short period of time.⁴⁶ In summary, this offering could impact students for their entire career and it could impact clients for a lifetime.

III. Benefit to the Community

Pro bono work is vital to communities and families, who rely on such services not only for counsel, but for the protection of the essentials of their lives, such as housing, food, work, and familial ties. One New York City attorney described pro bono service as a foundational element of the American justice system.

“If access to justice is achieved through meaningful participation in the courts, then those of us who are officers of the court have a lot of work to do. By most accounts, some 80 percent of low-income litigants in our civil courts proceed without representation, and their legal outcomes suffer as a consequence. Not only do litigants face great harm – such as the loss of children, liberty and/ or housing – but they learn that the courts are not a place of justice for all. It should be no surprise then that many low-income people eschew the courts when they have legal problems. The more our court system loses the trust of its citizens the less well it functions. . . . If pro

⁴⁵ American Bar Association Standing Committee on Pro Bono and Public Service, *Supporting Justice III: A Report on the Pro Bono Work of America’s Lawyers*, at 34, accessible at https://www.americanbar.org/content/dam/aba/administrative/probono_public_service/ls_pb_Supporting_Justice_III_final.authcheckdam.pdf.

⁴⁶ Hon. Janet DiFiore, *Pro Bono Scholars Program Guide*, New York State Unified Court System (2014), accessible at <https://www.nycourts.gov/attorneys/probonoscholars/ProBono-Scholars-Program-Guide-2014.pdf>.

bono power is harnessed strategically[,] it has the capacity not only to reduce the gap in access to justice, but to transform the public support for and understanding of the importance of access to civil legal services overall.”⁴⁷

In 2011, the LSC created a Pro Bono Task Force to consider “how to effectively increase pro bono involvement by all lawyers” due to “the sharp rise in demand for legal services . . . as economic turbulence ha[d] caused the number of people living below the poverty line to soar.”⁴⁸ The Task Force outlined a variety of “requests for the legal profession as a whole.”⁴⁹ One of these requests was that LSC and its grantees “**[i]nclude mechanisms for engaging non-lawyers as pro bono volunteers**, including law students[.]”⁵⁰

As the demand for pro bono services rises in communities, and the demand for law students to have more practical experience upon graduation remains a key request of employers, there is no more telling statistic than that of last year’s pro bono services rendered by law students. Not including the pro bono hours that go uncounted or are difficult to track, law students contributed 3.8 million hours in pro bono legal services in the 2016-2017 academic year.⁵¹ This is the equivalent of more than \$92 million in legal services.⁵²

In New York, the cities of Syracuse and Rochester have been ranked 13th and 12th, respectively, for the highest poverty rates in the country.⁵³ Syracuse University College of Law’s Class of 2018 – compiled of approximately 180 students – has

⁴⁷ Amy Barasch, *Pro Bono: Volunteer Lawyers Are an Essential Part of Access to Civil Justice*, Impact Center for Public Interest Law, Book 7 (2016), accessible at <https://herjustice.org/wp-content/uploads/2017/11/Pro-Pro-Bono-Amy-Barasch.pdf>.

⁴⁸ *Report of the Pro Bono Task Force*, Legal Services Corporation (Oct. 2012), accessible at <https://www.lsc.gov/media-center/publications/report-pro-bono-task-force>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Tyler Roberts, *Law Class of 2017 Contributed \$81M Worth of Pro Bono Legal Services*, The National Jurist (Jan. 8, 2018), accessible at <http://www.nationaljurist.com/national-jurist-magazine/law-class-2017-contributed-81m-worth-pro-bono-legal-services>.

⁵² *Id.*

⁵³ Mark Weiner, *Syracuse’s Alarming Poverty Rate Keeps Rising in 2016: 13th Worst in U.S.*, Syracuse.com (Sept. 14, 2017), accessible at http://www.syracuse.com/politics/index.ssf/2017/09/syracuses_alarming_poverty_rate_keeps_rising_in_2016_13th_worst_in_us.html.

102

completed a total of 6,007 pro bono hours for the underprivileged populations of Syracuse and Rochester between August of 2015 and March of 2018.⁵⁴ That is an average of 5.5 hours per student, per semester. That is an excellent start for servicing the underprivileged populations of a community in need. With the Pro Bono Scholars program, however, Syracuse Law's two spring 2018 participants performed a total of 1,000 pro bono hours in just 12 weeks. The impact of these two students offering 1,000 hours to the local Syracuse and Rochester underprivileged communities is incomparable. It is vital, therefore, that law schools and law students across the country are encouraged to take part in this opportunity to transform communities through service, all while benefitting personally and professionally.

Conclusion

By creating a Pro Bono Scholars Program in each state, the ABA, law schools, and law students will actively assist their communities and those who are desperately in need of pro bono services. If 3.8 million hours of pro bono legal services were provided by law students in one year, imagine how many more hours would be performed, and how many more people would be helped, if all 50 states, and all 200+ ABA-accredited law schools, created a Pro Bono Scholars Program for their 3Ls to participate in.

As United States Supreme Court Justice Sandra Day O'Connor once said, "The ever-increasing pressures of the legal marketplace, the need to bill hours, to market to clients, and to attend to the bottom line, have made fulfilling the responsibilities of community service quite difficult. But public service marks the difference between a *business* and a *profession*. While a business can afford to focus solely on profits, a *profession cannot*. It must devote itself *first* to the community it is responsible to serve. I can imagine no greater duty than fulfilling this obligation. And I can imagine no greater pleasure."⁵⁵

We hope the ABA, and all of its members, will give serious consideration to this Resolution and Report, as we seek the encouragement of the creation of Pro Bono Scholars Programs across the country. "Those who have the privilege to know have the duty to act."⁵⁶

Negeen Sadeghi-Movahed
Chair, Law Student Division
August, 2019

⁵⁴ Pro Bono Graduation Honors for the Syracuse Law Class of 2018, compiled April 4, 2018.

⁵⁵ U.S. Supreme Court Justice Sandra Day O'Connor, *Speech: Professionalism*, 78 Or. L. Rev. 385, 391 (1999).

⁵⁶ - Albert Einstein

GENERAL INFORMATION FORM

Submitting Entity: Law Student Division

Submitted By: Law Student Division Chair, Negeen Sadeghi-Movahed

1. Summary of Resolution(s). This Resolution urges state, territorial, tribal courts, and law schools to adopt a “Pro Bono Scholars Program” in their respective jurisdictions that allows law students, in the final semester of law school, to obtain a full-time externship placement providing supervised pro bono services which deliver legal and other law-related services to the underserved through non-profit legal organizations. The Resolution also urges that eligible “Pro Bono Scholars” be provided the opportunity to take the February bar examination in their respective jurisdictions (if offered) during their final semester of law school.
2. Approval by Submitting Entity. Approved by the LSD Council on April 28, 2018.
3. Has this or a similar resolution been submitted to the House or Board previously?
No.
4. What existing Association policies are relevant to this Resolution and how would they be affected by its adoption? None.
5. If this is a late report, what urgency exists which requires action at this meeting of the House? N/A.
6. Status of Legislation. N/A.
7. Brief explanation regarding plans for implementation of the policy, if adopted by the House of Delegates. Each state court system, in conjunction with the state’s law schools, will have a choice to implement this policy.
8. Cost to the Association. No costs.
9. Disclosure of Interest. No Law Student Division Council members are currently participating in a Pro Bono Scholars program. However, Matthew Wallace, the Law Student at-Large on the ABA Board of Governors as well as Samantha J. Pallini, the primary drafter of this resolution, both attended Syracuse University College of Law which is referenced throughout the resolution as a model for future Pro Bono Scholars programs. There are no personal interests to be gained by this Resolution.
10. Referrals.

ABA Judicial Division
 ABA Section of Legal Education and Admissions to the Bar
 ABA Standing Committee on Delivery of Legal Services

102

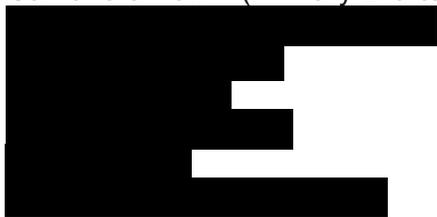
ABA Standing Committee on Ethics and Professional Responsibility
ABA Standing Committee on Legal Aid and Indigent Defendants
ABA Standing Committee on Pro Bono and Public Service

11. Contact Name and Address Information.

Negeen Sadeghi-Movahed
Chair, Law Student Division
7077 Woodmont Avenue, Apt. 312
Bethesda, MD 20815
949-973-3991
negeen.sadeghi@student.american.edu

Matthew Wallace
Law Student at-Large to the ABA Board of Governors
721 North Clinton Street, Apt. 409
Syracuse, NY 13204
925-858-6616
mwwallac@syr.edu

Samantha Pallini (Primary Drafter)



12. Contact Name and Address Information. (Who will present the Resolution with Report to the House? Please include best contact information to use when on-site at the meeting. *Be aware that this information will be available to anyone who views the House of Delegates agenda online.*)

Law Student at-Large to the ABA Board of Governors
LSD Resolution Advocacy Committee Chair
Matthew Wallace
925-858-6616
mwwallac@syr.edu

Law Student Division Delegate
Ashley Baker
404-368-1154
ashley_baker@sulc.edu

Law Student Division Delegate
Miosotti Tenecora
917-870-7594
tenecora@bu.edu

Law Student Division Delegate
Erika Lessane
704-953-1013
Erikallessane2020@nlaw.northwestern.edu

EXECUTIVE SUMMARY

1. Summary of the Resolution

This Resolution urges state, territorial, tribal courts, and law schools to adopt a “Pro Bono Scholars Program” in their respective jurisdictions that allows law students, in the final semester of law school, to obtain a full-time externship placement providing supervised pro bono services which deliver legal and other law-related services to the underserved through non-profit legal organizations. The Resolution also urges that eligible “Pro Bono Scholars” be provided the opportunity to take the February bar examination in their respective jurisdictions (if offered) during their final semester of law school.

2. Summary of the Issue that the Resolution Addresses

This Resolution hits on three main issues: (1) moving towards closing the access-to-justice gap through the administration of greater pro bono legal services; (2) preparing law school graduates for the profession with greater practical experience; and (3) providing schools and states with a program that better prepares their students and better attracts students to their law schools and jurisdictions.

3. Please Explain How the Proposed Policy Position Will Address the Issue

First, with regard to the access-to-justice gap, each law student who participates in a Scholars program will provide, on average, 500 hours of pro bono legal services to their local community. This is a substantial, immediate impact on communities nationwide.

Second, with regard to practical experience, it is undisputed that working full-time for several months prior to graduation from law school will prepare law students to be better lawyers. It will benefit both those students who do have jobs lined up to excel as first-year associates; and, it will give a significant advantage to those students who do not yet have jobs, by providing them connections, experience, and a head-start on their career.

Finally, through the development of these programs, law schools will maintain autonomy in designing a program, accepting students, selecting placements, and offering the classroom component. Moreover, this program provides an attractive marketing opportunity with regard to prospective students, forms strong connections between law schools and their local communities (thereby helping schools reap short and long term benefits), and does not dismiss schools’ needs with regard to tuition.

4. Summary of Minority Views or Opposition Internal and/or External to the ABA Which Have Been Identified

No opposition has been identified.