

Attorney-Law Student Collaborations: Expanding Pro Bono Services



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Both in my professional life and in my journeys around the state as State Bar president, I have witnessed the confluence of three interesting phenomena that, taken separately, seem unrelated, but when viewed together show promise of offering significant help to the struggling poor in Michigan. They are:

(1) Attorneys who sincerely desire to fulfill their ethical requirement of pro bono service but cannot find the time, doubt they can really make a difference, or worry about a good match between their particular expertise and pro bono needs;

(2) Law students who are enthusiastic to practice what they are being taught in law school, are in need of sound mentoring, and have a strong, heartfelt commitment to helping others; and

(3) A rising tide of people in need of legal services who take their chances at self-representation in court because they either cannot afford a lawyer and are unable to obtain legal aid or believe they cannot afford a lawyer.

All the ingredients are there for a pro bono breakthrough using law school clinical programs. Many attorneys unable to find time to take cases or uneasy about a commitment to pro bono cases are wonderfully suited to mentor a law student eager to provide legal service to the poor. The busy attorney wary of an open-ended pro bono obligation takes on the important but manageable task of reviewing the work of the law student excited to learn and serve. The licensed attorney provides important quality control and guidance, but some of the time-consuming work of research, writing, and client counseling can be performed by the law student. The attorney's gift is twofold: helping the client by monitoring and improving the work of the law student and

helping the law student gain insight into what the practice of law is really like. No matter how good a civil procedure class is, the rules are lifeless and flat without real-world context. There's an added potential benefit to the law student as well: a well-mentored pro bono experience often gives the law student a leg up in answering bar exam essay questions.

The most important benefit of matching experienced lawyers to law students seeking clinical experience is the increase in assistance to Michigan's underserved population. This is a key purpose of MCR 8.120, which allows law students who have completed at least one year of law school to provide legal help under the auspices of legal aid clinics providing legal service to the indigent at an accredited law school and legal aid and defender entities as noted in the rule. Many law school clinics provide a range of services, so the assistance need not be full-bore representation in all cases. Pro per litigants who have been counseled about what to expect in court, understand the law, and can appreciate what to expect from the other party are in a better position to possibly settle the litigation or minimize the need for court resources. Perhaps I am being exceedingly optimistic, but the use of law students' time and skills with the oversight of a licensed attorney fulfilling his or her pro bono ethical duty will allow more Michigan citizens to be served, resulting in more harmonious outcomes and reducing the use of

judicial and court staff time. The result is a rare legal triple play—a win-win-win situation for lawyer, law student, and the poor.

Michigan law schools have recognized the benefits. Each has invested in providing legal services to the poor through legal clinics and supervised pro bono activity. Clinics and pro bono activities at each Michigan law school can be found at:

- Michigan State University College of Law:
<http://www.law.msu.edu/clinics>
- Thomas M. Cooley Law School:
http://www.cooley.edu/ethics/programs_pro_bono.html
- University of Detroit Mercy School of Law:
<http://www.law.udmercy.edu/academics/clinics.php>
- University of Michigan Law School:
<http://www.law.umich.edu/centersandprograms/clinical>
- Wayne State University College of Law:
<http://www.law.wayne.edu/career-services/probonoprogram.php>

Directories of pro bono programs have been compiled by the American Bar Association at http://www.abanet.org/legal_services/probono/directory/michigancontent.html and the State Bar of Michigan at http://www.michbar.org/public_resources/pdfs/programs2.pdf.

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There are many examples of important pro bono initiatives that need your involvement. One that illustrates pro bono lawyers helping law students serve clients through a law school clinic is conducted under the auspices of Cooley's Family Law Assistance Project (FLAP), directed by Professor Ashley Lowe. FLAP helps poor persons with family law matters such as domestic violence or custody. Pro bono lawyers help with the twice-monthly intake clinics; law students learn by first watching the pro bono lawyer conduct an interview, then conduct an interview of their own while the pro bono lawyer observes. The tables are turned again when the law student observes the pro bono lawyer giving advice to the client. Sometimes this is educating clients to represent themselves and sometimes it is recognizing when more direct assistance is needed, and FLAP students provide direct representation under supervision of clinic staff and faculty. This service makes a great difference to clients who otherwise would have nowhere to turn for help, such as a domestic violence victim who has an immediate need for a protective order, safety planning, and follow-up regarding a divorce.

New creative ideas to help the underserved are emerging, and many will need to be expanded within and reviewed for compliance with MCR 8.120. I will highlight one such promising project because it is in its infancy, needs pro bono lawyers, and addresses a critical need in today's economy. Florise Neville-Ewell, who also teaches at Cooley Law School and is the former general counsel for the Detroit Housing Commission and former chairperson of the Michigan State Housing Development, has begun the 10CORE™ Project. Law students work with volunteer attorneys to write articles for homeowners, investors, and nonprofit developers about the protocols involved in real estate transactions. The articles, which will be published on a website for the public, are designed to improve financial literacy so Michigan citizens will be more aware of their basic rights and less likely to fall victim to foreclosure or financial fraud schemes, particularly mortgage fraud. Professor Neville-Ewell can be contacted at nevillef@cooley.edu.

Some opportunities to provide pro bono services can be exclusively via the Internet by answering questions posed by legal aid clients. An example of this is the In-

ternet Representation Project of Legal Services of Northern Michigan at <http://www.lsnmirp.org/>, where an attorney from any county can help eligible citizens in northern Michigan.

Michigan attorneys have many opportunities to provide pro bono services to Michigan's underserved citizens and, with the help of law students, these legal services can cover more cases and citizens. I encourage State Bar members to contact a law school clinical program or legal aid office to see how you can become involved in providing pro bono services. At a time when the need is great, providing pro bono services is easier and less time consuming than ever. Helping the underserved is one of the historical hallmarks of our profession. I realize there may be administrative and referral steps to be worked out to facilitate more partnering of pro bono lawyers with law students through law school clinics. However, I offer this idea in the hopes that with law student collaborations, you can make a difference to many more Michigan citizens than you ever imagined. Try it; it is the highest form of giving back to the profession. ■