

The Pro Bono Priority

The University of Michigan's approach to instilling public service

By Robert E. Precht and Suellyn Scarnecchia

The Pro Bono Priority is a two-part feature on pro bono service in Michigan law schools. In Crossing the Bar, the column of the Legal Education Committee, Dolores M. Coulter discusses how Michigan law schools measure up to the recommendations made in Learning to Serve, the report of the Commission on Pro Bono and Public Service Opportunities from the Association of American Law Schools. In the Access to Justice column, Robert E. Precht and Suellyn Scarnecchia focus specifically on the University of Michigan's unique approach to pro bono service.

How does it feel to be a 12-year-old immigrant who has been placed in Immigration and Naturalization Service custody because he entered the country without appropriate documents? How does it feel to be a poor single mother facing eviction because a relative was found in possession of drugs, or a woman with AIDS, unable to work, but having been denied Social Security benefits? What is the responsibility of American legal educators to show students how our legal system is experienced by people who cannot afford counsel?

Public service has received increasing attention in legal education. More than a dozen law schools across the country now have a mandatory public service requirement. A committee of the Association of American Law Schools, with University of Michigan Law School Professor David Chambers as chair, recently produced a report urging law schools to consider seriously the advantages of such a requirement. The primary advantage, we believe, is that public service serves an important educational value, exposing our students to how our justice system functions—or fails to function—for poor people and minorities in our society. This goal is best achieved if such experience is gained during law school, early in one's legal career.

The University of Michigan Law School has adopted a multi-pronged approach to expose our students to public service. On the academic front, courses are offered to students to give them an overview of legal services for the poor and to teach them the lawyering skills they need to help the poor vindicate their rights. On the professional development front, the Office of Public Service administers a pro bono program that encourages students to volunteer at a wide array of government and nonprofit offices to see first-hand the challenges poor people face in navigating our legal system. This article briefly examines both programs.

Academic Opportunities

A new course at the law school focuses on the need for civil legal services for the poor, challenging students to grapple with related ethical issues. During the Fall 2000 term, Clinical Professor Suellyn Scarnecchia offered the course Access to Justice for the first time. Thirty-two second- or third-year students enrolled. They studied the history of providing civil legal services to the poor in the United States and explored the methods currently used to provide legal services.

Each week, a group of three students made a presentation to the class on a related ethical issue, covering topics like unbundling legal services for the poor, restrictions on representation imposed by third parties, non-lawyer practice, student practice in law school clinics, soliciting clients, and a lawyer's duty to perform pro bono work. Several guest speak-

ers described their work, providing the students examples of professionals who either work full-time for low-income clients or provide volunteer services.

Course grades were based, in part, on the students' final papers or projects. They were encouraged to pursue a practical project and some rose to the challenge. Here are some examples of student projects:

- Creation of a website for the legal services office in the student's home-town in New Mexico
- Development and publication of an online pro se manual for people seeking asylum in the United States
- Survey of Michigan law student views on a pro bono graduation requirement
- Legal analysis of a recent Supreme Court decision on Legal Services Corporation restrictions
- Analysis and recommendations to improve the experience of low-income clients who have limited English proficiency
- Survey and recommendations for increasing access to legal assistance to domestic violence survivors in Michigan
- Analysis of state experiences with mandatory pro bono requirements

The course had at least three goals: to inform law students of the issues concerning the provision of civil legal services to the poor, to teach professional responsibility in the context of representing low-income clients, and to allow the students to explore their own future role in solving the problem of access to legal services, either through public interest careers, pro bono representation, or

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leadership roles on a local, state, or national level. More than 30 new students are enrolled for the coming term.

Clinical programs at the law school also play a role in vesting students with an interest in public interest work. Each year, around 170 law students participate in one of the five clinics at the law school. They represent low-income clients or nonprofit organizations under the supervision of clinical faculty and receive law school credit for their work. Through their clinical work, students gain:

- Insight into the difficulties low-income clients face in gaining access to adequate legal services
- Confidence in their ability to represent poor clients (many find ways to handle similar cases after graduation to fulfill their pro bono responsibility)
- An understanding of the special legal and social needs of poor clients
- A relationship with clinical faculty members who have dedicated their careers to public interest work
- Relevant work experience, which is especially useful for those who will pursue a public interest career

When combined with other aspects of their law school experience, the clinics help students develop an interest in and understanding of public interest work.

Professional Development

The Office of Public Service was established in 1995 to encourage students and alumni to perform public service. One of its most important elements is the pro bono program. Students are encouraged to devote themselves to 40 hours pro bono work of their choosing. They typically volunteer at a wide variety of organizations. These placements include nonprofit organizations, public defenders and prosecutors, government agencies, judges, lawyers working on pro bono cases, and faculty handling public service matters. Students may also initiate their own projects as long as lawyers supervise them. In addition, the lawyer-director of the program does not function purely as an administrator. He has his own pro bono caseload in addition to supervising students.

Here are a few examples of student pro bono placements.

- Students assisted a Detroit attorney representing an Alabama death row inmate by traveling to the state to interview jurors
- A student volunteered with Legal Aid and Defender Association of Detroit where he helped a wheelchair-bound man evicted for trying to organize fellow tenants, a retired auto worker fighting for his health insurance, and a homeowner cheated by a contractor
- Approximately 60 students a year volunteer with the Family Law Project, an independent program that provides comprehensive legal services to families in Washtenaw County

Student reaction to their pro bono experiences has been positive. Almost all the students reported that the placements enhanced their understanding of the challenges poor people and minorities face dealing with the legal system. They also learned how few lawyers are available full-time to help the poor and learned that their own skills and efforts could make a difference. In addition, many students said their experiences made it more likely that they would perform public service after graduation.

The law school offers students other resources. The externship program allows students to receive course credit for working a semester at a qualifying government or nonprofit office. In addition, the Student

Funded Fellowship—a student-run program—funds 80–100 students to spend their summers working at public service organization of their choosing. The program is especially interested in funding students to work at organizations serving poor people and minorities.

Conclusion

Lawyers occupy a central role in our governance system. Exposing law students to public service shows them how our legal system works, or fails to work, for everyone. It teaches them how their legal skills can fill gaps in legal services. As a public institution, it is fitting for the University of Michigan Law School to instill these lessons. ◆

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On Friday, August 3, 2001, the Law Student Division of the American Bar Association gave its Judy M. Weightman Memorial Public Interest School of the Year Award to the University of Michigan Law School.

The award is given each year to one law school in recognition of that school's commitment to public interest work. The selection criteria call for special attention to the areas of "pro bono, volunteer programs, clinics, public interest organizations, loan forgiveness programs, career services and financial aid for public interest jobs; student participation and reaction to public interest work; and faculty and administration reaction to public interest."