Mandatory Pro Bono Publico for Law Students: The Right Place to Start

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NOTE

MANDATORY PRO BONO PUBLICO FOR LAW STUDENTS: THE RIGHT PLACE TO START

"The program is a tremendous confidence builder. Now I know I can do it. I can be a lawyer. I can help people. I can make a difference."1

“When I got here [law school], I thought there were two types of lawyers: big firm Wall Street types, and public interest lawyers. Now I know you can do both. The [pro bono publico] program is breaking down the walls between the careers we can follow.”2

“Law schools should teach attorneys to take seriously their ethical obligation to provide free legal services to the poor. Just sitting in a classroom and talking about it won’t do the job.”3

I. INTRODUCTION

The above comments illustrate some of the positive effects that law students experience as participants in pro bono publico4 (“pro bono”) programs. Although these individuals participated in their schools’ mandatory pro bono programs as students, not practicing attorneys, they were already fulfilling an obligation that extends to all members of the bar: It is the ethical responsibility of every practicing attorney to ensure that legal services are provided to those who are unable to pay for such

1. Nadine Strossen, Pro Bono Legal Work: For the Good of Not Only the Public, but Also the Lawyer and the Legal Profession, 91 Mich. L. Rev. 2122, 2142-43 (1993) (quoting a University of Pennsylvania law student who had completed the school’s mandatory pro bono program).
2. Id. at 2143 (quoting another student’s comments on the University of Pennsylvania pro bono program).
4. Pro bono publico (“pro bono”) is defined as “uncompensated legal services performed [especially] for the public good.” BLACK’S LAW DICTIONARY 1220-21 (7th ed. 1999).
services themselves. This is a duty placed upon all those entering the profession by the American Bar Association ("ABA"), and many states, as well. Because it is an ethical obligation that applies to all lawyers, this responsibility should be a concern of all law students as well. However, pro bono is by no means a common element in the American law school curriculum. While some law schools around the nation have introduced public service graduation requirements, the majority of ABA-accredited schools have yet to make such advances.

5. See, e.g., MODEL RULES OF PROF'L CONDUCT R. 6.1 cmt. 1 (1996) [hereinafter MODEL RULES]. Model Rule 6.1 reads as follows:

A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this responsibility, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
   (1) persons of limited means or
   (2) charitable, religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:
   (1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;
   (2) delivery of legal services at a substantially reduced fee to persons of limited means; or
   (3) participation in activities for improving the law, the legal system or the legal profession.

Id. R. 6.1.


8. See Caroline Durham, Law Schools Making a Difference: An Examination of Public Service Requirements, 13 LAW & INEQ. 39, 40 (1994); see also PRO BONO PROJECT, ASS'N OF AM. L. SCH., A HANDBOOK ON LAW SCHOOL PRO BONO PROGRAMS 7 (2001) [hereinafter AALS PRO BONO PROJECT]. Fourteen American law schools currently have pro bono graduation requirements. See id. at 9. Another twelve schools have a "public service" graduation requirement. See id. at 10. Pro bono requires students to perform a specified number of hours of law-related services. See id. at 9. Students do not receive credit or pay for these services. See id. A public service requirement allows students to either perform law-related services, or, in the alternative, to be exposed to "poverty law" through a class or independent study. See id. at 9-10. These students may receive credit while fulfilling the requirement. See id. at 9. In New York State, Columbia University has a pro bono graduation requirement and Touro College's Jacob D. Fuchsberg Law Center ("Touro") and CUNY Queens have a public service requirement. See id. at 9-10.

9. See Durham, supra note 8, at 40 n.7 (listing the minority of schools that have adopted a pro bono graduation requirement).
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Mandatory pro bono requirements are a useful tool in law school curricula for instilling a greater understanding of the importance of pro bono work in the profession's newest recruits. Therefore, this Note proposes that such requirements should be integrated into the general curriculum of a legal education. Part II of this Note briefly discusses the historical background of pro bono in the legal profession, including a review of Rule 6.1 of the current Model Rules of Professional Conduct, and explores the fundamental concept of public access to the American legal system. Part III emphasizes the positive rewards of exposing law students to pro bono experiences, including their professional and personal development. Part IV addresses two problem areas that are often associated with pro bono or public service requirements, specifically; (1) arguments that such requirements violate the constitutional rights of those required to serve, and (2) concerns or confusion regarding whom is to be served by pro bono work. Finally, Part V proposes solutions to these problem areas in the form of model requirement programs that successfully resolve these issues.

II. PRO BONO AND THE LEGAL PROFESSION

There is a tradition of pro bono service as a defining characteristic of the legal profession. The earliest existence of lawyers providing representation to those unable to afford such services has been traced to ancient Greece and Rome. Since that time, "a tension...between law as public service and law as a trade by which its members earned a living" has lingered.

This struggle to determine the ultimate characterization of the legal profession is evident in the development of an ethical code for American attorneys. Over the past century, the level of duty placed upon the individual attorney has been increased and refined. It was not until the early part of the twentieth century that the ABA issued its first Canons...
of Professional Ethics. Although these early Canons did not specifically address the provision of services to those unable to pay, they did contain language acknowledging that the profession is not simply a “money-getting trade,” and that each attorney must seek to ensure “the administration of justice.” In 1969 the ABA adopted the Model Code of Professional Responsibility (“Model Code”), which initially stated that the responsibility to provide legal services to those unable to pay lies with each individual lawyer. This was eventually altered in the 1983 Model Rules of Professional Conduct (“Model Rules”), to mandate that it is a lawyer’s duty to provide public interest legal service.

While the definition of an attorney’s duty has been refined over time, the assertion that the courts, and the legal system generally, should be a public resource has been a constant. Access to the courts by all citizens, including the poor, is a paramount concept of this ideal. As legal questions have become more interwoven into all aspects of American society, the need for access to the courts has increased. As officers of the court, attorneys are obliged to ensure that effective access is maintained for all members of our society. Indeed, this idea has served as an impetus for the gradual development of the attorney’s obligation to provide legal assistance to the poor, as outlined by the ABA’s Model Rules. A frequently cited argument in favor of

15. See Baillie & Bernstein-Baker, supra note 10, at 55 (discussing CANONS OF PROF'L ETHICS (1908)).
16. Id.
19. See id. at 56.
21. See Eldred & Schoenherr, supra note 12, at 368.
22. See id. The authors quote legal ethicist George Sharswood, who stated “the time will never come ... when a poor man with an honest cause, though without a fee, cannot obtain the services of honorable counsel, in the prosecution or defence of his rights.” Id. at 378 (omission in original) (quoting George Sharswood, An Essay on Professional Ethics, 32 A.B.A. REP. 1, 151 (5th ed. 1907)).
23. See Honorable Joseph W. Bellacosa, Obligatory Pro Bono Publico Legal Services: Mandatory or Voluntary? Distinction Without a Difference?, 19 HOFSTRA L. REV. 745, 745 (1991) (noting that a review of the New York State Court of Appeals’ docket illustrates the broad and diverse areas of life that are impacted by the law, including family law and property matters).
25. See Baillie & Bernstein-Baker, supra note 10, at 62 (asserting that the latest version of Rule 6.1 illustrates an effort by the bar to “enlarge public access to justice”).
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Mandatory pro bono requirements for members of the bar asserts that effective access can only be achieved through legal counsel, and since the poor are unable to purchase this service, it must be provided without charge when needed. While some have countered this argument by insisting that the poor neither need equal access, nor desire it, their assertions seem to reflect a value judgment about the priority or validity of the poor’s legal needs, as opposed to those of a paying client, that is inconsistent with the ideals set forth in Model Rule 6.1.

After the most recent amendments to the Model Rules, Rule 6.1 requires that attorneys “aspire to render at least (50) hours of pro bono publico legal services per year,” of which “a substantial majority [should be provided to] persons of limited means” or organizations designed to address the needs of these persons.

It is important to note that this rule is not “enforced” in most states; lawyers are not subject to any disciplinary proceeding if they fail to adhere to the Rule, and the Rule is titled Voluntary Pro Bono Publico Service. However, it is an ethical guideline that should be followed.

26. See Roger C. Cramton, Mandatory Pro Bono, 19 Hofstra L. Rev. 1113, 1125 (1991); Donald Patrick Harris, Let’s Make Lawyers Happy: Advocating Mandatory Pro Bono, 19 N. Ill. U. L. Rev. 287, 305 (1999) (recognizing that an individual may always represent himself or herself in court, but a lack of proper legal training will often leave the average lay individual at a severe disadvantage over a party with legal representation); Deborah L. Rhode, Cultures of Commitment: Pro Bono for Lawyers and Law Students, 67 Fordham L. Rev. 2415, 2418 (1999) (citing as an example the stark differences in outcome of eviction proceedings where poor tenants receive legal representation versus those where the tenant is pro se).

27. See Michelle S. Jacobs, Pro Bono Work and Access to Justice for the Poor: Real Change or Imagined Change?, 48 Fla. L. Rev. 509, 517 (1996) (citing an argument which proposes that providing the same level of access to the poor, nonpaying client as is afforded the fee-paying client will cause court dockets to be flooded beyond their capacity).

28. See Jonathan R. Macey, Mandatory Pro Bono: Comfort for the Poor or Welfare for the Rich?, 77 Cornell L. Rev. 1115, 1116 (1992) (arguing that the poor choose to spend their limited resources on other goods and services, such as rent, food, transportation, etc., and thus do not appear to value legal representation as highly as those with more disposable income do).

29. See Jacobs, supra note 27, at 517 (recognizing a level of ambivalence toward the legal needs of the poor that exists among attorneys); Macey, supra note 28, at 1117 (stating that attorneys who are able to avoid performing pro bono services could “put the time they saved to more productive uses”).

30.モデルルール, supra note 5, R. 6.1.

31. While no states have imposed a comprehensive mandatory pro bono requirement, proposed mandatory requirements often include disciplinary options that range from minimal fines to revocation of legal licensure. See, e.g., Murray, supra note 10, at 1147-48, 1160-61. But see Burke et al., supra note 17, at 996 (noting that compliance is likely, given the broad definition of what qualifies as pro bono work under the provision).

32. See Chaifetz, supra note 7, at 1695 (noting that the model rule “provid[es] no framework for tracking a lawyer’s behavior or penalizing those who are noncompliant”); Howard Lesnick, Why Pro Bono in Law Schools, 13 Law & Ineq. 25, 25 (1994) (acknowledging that the ABA’s goal of fifty hours is merely “aspiration[al]” and not “legally enforceable”).
The Rule cites a specific number of hours, and defines specific areas of public interest that should be served, in order to provide a bright-line standard that all attorneys should strive to achieve.\textsuperscript{33} Despite this improved clarity in the rule's language, despairingly few attorneys perform any pro-bono work at all.\textsuperscript{34}

At the same time, the number of persons in need of such services is alarmingly great.\textsuperscript{35} The poor of this country suffer from a severe lack of access to legal services.\textsuperscript{36} "The legal problems of the poor, like those of other Americans, range from the simple and routine to the highly complex."\textsuperscript{37} These include proceedings such as housing evictions, divorces, and simple bankruptcies, as well as more complicated regulatory proceedings related to public benefits.\textsuperscript{38} Over eighty percent of this population's legal needs are not adequately addressed.\textsuperscript{39} One estimate places this group's total number of hours of unmet legal needs at twenty million annually.\textsuperscript{40} Unfortunately, this need is not expected to lessen any time soon.\textsuperscript{41} Decreases in federal funding to legal service agencies since the early 1980s have often been cited as one main cause of this crisis.\textsuperscript{42} Just as the needs of low-income individuals are expected to continuously expand, the decline in funding is also anticipated to persist.\textsuperscript{43} It is mainly for these two reasons that pro bono experience must be integrated into the law school curriculum, so that the importance of this professional obligation is understood even before law students make the transition to practicing members of the bar.

\textsuperscript{33} See Baillie & Bernstein-Baker, supra note 10, at 58 (explaining that while the rule remains aspirational rather than mandatory, it was hoped that the changes would encourage more attorneys to recognize the importance of pro bono service).

\textsuperscript{34} See Rhode, supra note 26, at 2415. The average amount of time dedicated by the profession as a whole is less than one half-hour per week. See id.; see also Chaifetz, supra note 7, at 1697 (stating that lawyers generally perceive legal work for the poor as being the lowest in terms of its level of esteem); Durham, supra note 8, at 39 (citing that only one in six attorneys offers pro bono services).

\textsuperscript{35} See Durham, supra note 8, at 39.

\textsuperscript{36} See Deborah L. Rhode, Professionalism in Professional Schools, 27 FLA. ST. U. L. REV. 193, 199 (1999) (asserting that without a lawyer's assistance, the lay person who attempts to navigate the legal process is destined to encounter insurmountable obstacles; for the poor, who often possess limited education, effective self-representation is even more unattainable).

\textsuperscript{37} Cramton, supra note 26, at 1125.

\textsuperscript{38} See id.

\textsuperscript{39} See Durham, supra note 8, at 39; Murray, supra note 10, at 1152.

\textsuperscript{40} See Eldred & Schoenher, supra note 12, at 372-73.

\textsuperscript{41} See id. at 373 (stating that "current poverty trends" suggest that the problem is likely to worsen).

\textsuperscript{42} See id. at 370.

III. THE CASE FOR PRO BONO IN LAW SCHOOL

In order to address concerns about attorneys' general lack of commitment to performing pro bono legal services, many have suggested that exposing students to the pro bono experience while they are still studying the law will instill a greater interest in, and commitment to, pro bono service once they graduate and become practicing members of the bar. Indeed, it has been suggested that the current atmosphere in most law schools inherently discourages students from performing pro bono work by failing to integrate an emphasis on social justice into the curriculum. Partly in response to this negative effect, the ABA altered its accreditation standards for law schools, requiring them to "encourage students to participate in pro bono activities and to provide opportunities for them to do so." Because one of the roles of law schools is to instruct students about professional responsibility, preparing students to follow Rule 6.1 once they are practicing must be a goal of legal education. Mandatory pro bono programs assist in the effort, by assuring that every graduating law student has been exposed to such an experience, and has been made aware that such work is an ethical obligation of the profession.

44. See Rhode, supra note 36, at 200-01 (explaining that beyond instilling a long-term commitment to such service, the students' experience may "trickle up" to the senior attorneys with whom they work); see also Chaifetz, supra note 7, at 1703 (suggesting that the best way to maintain students' commitment to public interest law is to provide support for public interest values while they are in law school); Durham, supra note 8, at 49 (citing a survey in which sixty-five percent of the students who had participated in a mandatory pro bono program indicated that the experience had "increased their willingness to provide pro bono services after graduation"); Lesnick, supra note 32, at 28 (proposing that even reluctant students might be encouraged to recognize the positive aspects of engaging in pro bono work by participating in a mandatory requirement).

45. See Chaifetz, supra note 7, at 1697-98 (explaining that schools determine what values to instill in students when they make decisions about curricula; as a result, schools that choose not to emphasize pro bono work may implicitly teach students that pro bono obligations are insignificant to practicing attorneys); see also Jeremy Miller & Vallori Hard, Pro Bono: Historical Analysis and a Case Study, 21 W. St. U. L. Rev. 483, 493 (1994) (suggesting that the absence of a pro bono requirement effectively informs students that pro bono is not an integral part of a legal career); Rhode, supra note 36, at 203 (asserting that the general law school curriculum is void of any emphasis upon issues of social justice; thus, most law schools not only fail to instill a sense of responsibility to engage in pro bono activities, but they in fact deter students from doing so).


47. See Lesnick, supra note 32, at 26 (stating that an essential role of law professors is to teach students how to be a responsible lawyer, which he defines as one who attempts to devote time to "unpaid public service").

48. Because few schools have opted to satisfy the ABA's accreditation requirement by initiating mandatory pro bono programs, many law students still graduate without having had a pro bono experience as part of their legal education. See Rhode, supra note 36, at 198.
A greater understanding of the plights of the poor is a frequently cited benefit conferred to law students that participate in programs that provide legal assistance to the poor. As more law schools develop clinical programs that serve this population, such an experience is being made available to law students across the country. While this is a promising area of growth, most schools do not require students to participate in a clinic prior to graduation, and the majority of students are not exposed to this learning experience as part of their legal education. A mandatory pro bono requirement would ensure that all students share in the experience. Also, mandatory pro bono requirements may provide students with exposure to a broader variety of service options: Columbia Law School reports that its students’ experiences include placements “advis[ing] artists and nonprofit art organizations, . . . assist[ing] community organizers to promote the economic development of their neighborhoods, . . . [and] participat[ing] in environmental justice litigation.” These possible placements transcend the traditional clinic opportunities offered at most law schools.

The increasing need for free legal assistance also supports the introduction of a mandatory pro bono requirement for law students. Although students are often pressed by severe time constraints, they still possess great potential to help fill the current void in legal services for the poor. For example, a student specializing in corporate tax

51. See Dubin, supra note 50, at 1475 n.73 (citing Justice Sandra Day O’Connor’s assertion that a mandatory clinic requirement would provide numerous benefits to both students and the community).
53. See Chaifetz, supra note 7, at 1697; Murray, supra note 10, at 1170 (noting that students’ pro bono work is often the only legal assistance their clients will receive). But see id. at 1171 (claiming that indigent clients “could be harmed” by a law student’s services). Murray asserts that a client’s self-esteem may be damaged when he or she is confronted with the knowledge that the only help available is offered by a student as opposed to a practicing attorney. See id. While a small group of highly sensitive individuals may experience this reaction, it seems doubtful that an individual facing a legal issue will be seriously injured in spirit by the free assistance of a supervised law student.
54. See Lesnick, supra note 32, at 27 (acknowledging the pressure put upon law students to focus exclusively on their studies and excel academically in order to ensure employment upon graduation).
55. See Durham, supra note 8, at 48-49 (discussing the 6500 hours of pro bono services provided annually to the Greater New Orleans metropolitan area by students at Tulane Law School).
possesses the knowledge to assist a low-income client in gaining a tax refund, even if he or she has no training or interest in poverty law.56

Additionally, students benefit practically from pro bono work by getting hands-on experience with real clients.57 The acquisition of lawyering skills, while not the primary intended benefit for students, is still a significant side-effect.58 Students gain invaluable experience in problem solving and listening to clients as well as drafting documents and negotiating between parties.59 They also receive training in the area of law related to their placement, including trial experience.60 In this way, the programs help to “bridge the gap between theory and practice, and enrich[] understanding of how law relates to life.”61

Aside from practical knowledge that is gained, students are also exposed to a sector of the population whose need for legal representation is great, but whose visibility is often marginalized.62 Some might even be inspired to work more diligently towards effecting social change after learning how a low-income individual experiences our legal system.63 Students who participate in programs gain a “deepened awareness of the importance of public service work,” and greater “confidence in [their] ability to provide effective legal assistance in this context.”64 If nothing else, more students will likely gain a greater understanding of the importance of fulfilling the ethical obligation imposed by Rule 6.1, and will be encouraged to decide for themselves what their responsibilities as individual attorneys are to the poor and underrepresented.65

Some may question why law students should be mandated to perform public service while fellow graduate students pursuing other degrees, or undergraduate students who arguably possess more free time, are not subjected to similar requirements. Indeed, some may balk at the idea of requiring law students to perform pro bono services while

56. See Rhode, supra note 26, at 2441.
57. See Durham, supra note 8, at 49.
58. See id.
59. See Rhode, supra note 26, at 2435.
60. See Rhode, supra note 36, at 200 (citing additional benefits, including professional contacts).
61. Rhode, supra note 26, at 2435.
62. See Durham, supra note 8, at 49; see also Rhode, supra note 36, at 200 (noting that a major benefit of pro bono programs is that they “provide many participants with their only direct knowledge of how the system functions, or fails to function, for the ‘have-nots’”).
63. See Rhode, supra note 36, at 200.
64. Dubin, supra note 50, at 1476.
65. See Barbara Bezdek, Reconstructing a Pedagogy of Responsibility, 43 HASTINGS L.J. 1159, 1160 (1992) (suggesting that it is the nature of legal education to lead students away from such introspection).
practicing attorneys are not legally bound to do so. In response to the first issue, it is essential that law students engage in pro bono work because it is an ethical mandate of the profession they are preparing to enter. Though concededly not a legal obligation, it is clearly a moral one, as Model Rule 6.1 and its accompanying commentary emphasize. The comment immediately following the rule states: "Every lawyer, regardless of professional prominence or professional work load, has a responsibility to provide legal services to those unable to pay." Law students are subject to the same responsibility. As discussed above, those students who experience pro bono service while in law school are more likely to continue to perform such work as attorneys, perhaps effecting a "trickle-up" phenomenon among their senior colleagues who have previously failed to satisfy their pro bono obligation.

IV. ARGUMENTS AGAINST MANDATORY PRO BONO

A. Constitutional Issues

Despite the benefits pro bono work brings to both the community and the individual, opponents to mandatory requirements are easily found. Among the most common arguments are assertions that any mandatory requirement would violate the constitutional rights of students and attorneys. While most of these arguments have been more vociferously argued on behalf of practicing attorneys, they have been applied to students as well. It is important to note, however, that some arguments that may appear valid for attorneys should not apply to students, since there are significant differences in status between a practicing member of the bar and an aspiring member.

66. See MODEL RULES, supra note 5, R. 6.1 cmt. 1.
67. See id.
68. Id. (emphasis added).
69. See supra note 44 and accompanying text.
71. See Scully, supra note 70, at 1230.
72. Beyond law students, constitutional concerns have been raised on behalf of secondary school students. See Steirer v. Bethlehem Area Sch. Dist., 789 F. Supp. 1337, 1341 (E.D. Pa. 1992). Mandatory public service requirements in public high schools have fueled such claims. See id. at 1345-47 (holding that the school district's public service graduation requirement did not violate the First, Thirteenth, and Fourteenth Amendment rights of the district's students).
73. See Murray, supra note 10, at 1172-73 (discussing the distinction between the application of a constitutional right to a student as opposed to a professional).
1. First Amendment

Citing the First Amendment guarantees of the freedom of speech and association, opponents of mandatory pro bono argue that these rights would be compromised if one were subjected to a mandatory pro bono requirement. There are two points to this argument. First, some proclaim that any mandatory requirement forces participants "to associate with certain types of groups that may have messages, political and otherwise, with which [they] disagree." The second protest raised in relation to the First Amendment is based on the notion that a mandatory requirement would effectively force an attorney to choose between practicing law and performing pro bono service. A similar argument could be made for students who would have to choose between attending law school and performing pro bono work. All of these criticisms are rooted in the notion that a mandatory requirement would offer an inflexible and narrowly drawn set of satisfactory locations in which to perform the required service. If participants were given broad choices, or if sufficient flexibility existed so that alternative outlets for the services could be accepted, then these arguments would quickly deflate.

Despite this distinction, opponents’ First Amendment protests may best be dispelled by applying a constitutional test to the proposed obligation. As in any situation where a First Amendment right is affected by government, a two-prong test that explores whether a compelling state interest justifies the government’s action and whether the state has chosen the least restrictive interference with these rights should be applied to any state-imposed mandatory pro bono requirement.

74. The First Amendment states in relevant part, "Congress shall make no law ... abridging the freedom of speech ... or the right of the people peaceably to assemble." U.S. Const. amend. I.
75. See Murray, supra note 10, at 1156 (noting that opponents argue the First Amendment renders mandatory pro bono requirements for attorneys unconstitutional).
76. Id.
77. See Scully, supra note 70, at 1245.
78. This assumes, of course, that mandatory pro bono requirements existed at every American law school, so that students could not avoid a requirement by simply attending a different school.
79. See Murray, supra note 10, at 1156.
80. See id. at 1157.
81. See, e.g., NAACP v. Alabama, 357 U.S. 449, 460-61 (1958); Scully, supra note 70, at 1245-48. Whether mandatory pro bono programs at law schools would be implicated by this test would depend on whether the requirement was instituted by the state. In private schools, such a concern is probably inapplicable. Compare Kincaid v. Gibson, 236 F.3d 342, 347 (6th Cir. 2001) (stating that the actions of state university officials "constitute state actions for purposes of First Amendment analysis"), with Berrios v. Inter Am. Univ., 535 F.2d 1330, 1332 (1st Cir. 1976) (holding that a private university was not "so intertwined with the state" as to warrant judicial
Given the need for legal services to assist those who cannot pay, it is possible to argue that a compelling state interest does exist. By offering "flexible alternatives that would allow various types of service to fulfill the required hours," a state's pro bono requirements would almost certainly withstand a constitutional challenge in this area. Similarly, as long as the requirements are reasonable, a law school's mandatory pro bono requirement should not be found to violate this test.

2. Fifth and Fourteenth Amendments

Several attorneys have proposed that mandatory pro bono programs violate the Takings and Due Process Clauses of the Fifth Amendment, which state in relevant part: "No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation[,]" and the Due Process clause of the Fourteenth Amendment, which extends this prohibition to the states. While some courts have found that attorneys' services are their livelihood and thus property subject to the Fifth Amendment, this is by no means the consensus. Other courts have held that court-mandated representation does not amount to a taking of personal property. One frequently cited example is United States v. Dillon. The Ninth Circuit held in this case that compensation was not necessary for court appointed attorneys, since the appointment did not amount to a taking that warranted compensation under the Fifth Amendment. The court based its reasoning on the profession's

82. Murray, supra note 10, at 1157.
83. See id.
84. See Lesnick, supra note 32, at 30 (suggesting that, for students, a reasonable requirement would be based on the ABA's recommended fifty hours annually for lawyers, but applied to a nine-month academic year, or approximately thirty-five hours per year for students).
85. U.S. CONST. amend. V.
86. See U.S. CONST. amend. XIV, § 1 (stating, in relevant part, "[n]o State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law").
88. See Scully, supra note 70, at 1256 (citing State ex rel. Stephan v. Smith, 747 P.2d 816, 842 (Kan. 1987)).
89. See Murray, supra note 10, at 1158.
90. 346 F.2d 633 (9th Cir. 1965).
91. See id. at 638.
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traditional obligation of providing legal services to the poor, which arises from an attorney’s status as an officer of the court.\textsuperscript{92}

While the Dillon case involved a criminal defense, similar reasoning has been applied to civil cases by the New York Court of Appeals and members of the United States Supreme Court.\textsuperscript{93} Justice Cardozo asserted for the New York Court of Appeals:

“Membership in the bar is a privilege burdened with conditions.” . . . [a member becomes] an officer of the court, . . . an instrument or agency to advance the ends of justice. . . . He might be assigned as counsel for the needy, in causes criminal or civil, serving without pay.\textsuperscript{94}

Similar language was echoed years later by Justice Kennedy in a concurring opinion he wrote for Mallard v. United States District Court.\textsuperscript{95} In this case, the Court addressed the right of an attorney to avoid appointment by a federal district court to an indigent litigant in a civil matter.\textsuperscript{96} The attorney argued that he was not compelled to accept his appointment under a federal statute.\textsuperscript{97} While the Court agreed, its decision was based solely upon its interpretation of the statute in question.\textsuperscript{98} Indeed, the Court clarified the limited scope of its ruling by stating: “We emphasize that our decision today is limited to interpreting § 1915(d). We do not mean to question, let alone denigrate, lawyers’ ethical obligation to assist those who are too poor to afford counsel.”\textsuperscript{99} The Court further asserted that in light of the poor’s increasing need for legal services, the ethical obligation to provide pro bono service is “manifest.”\textsuperscript{100}

\textsuperscript{92} See id. at 635.


\textsuperscript{94} Karlin, 162 N.E. at 489.

\textsuperscript{95} 490 U.S. 296 (1989).

\textsuperscript{96} See id. at 298. The attorney, Mallard, had been appointed to represent prisoners who were bringing a civil rights action against prison guards and administrators. See id. at 299.

\textsuperscript{97} See id. at 298-300.

\textsuperscript{98} The Court, in reviewing 28 U.S.C. § 1915(d) (1982), focused upon the statute’s use of the word “request” in its granting courts the power to name attorneys to represent indigent litigants. The Court concluded that the word “request” was meant in the sense of its common usage, so it was more akin to the verb “ask” than the verb “command.” See id. at 301-02. Thus, the Court concluded that the statute did not compel an attorney to accept a federal court’s request to represent. See id. at 303.

\textsuperscript{99} Id. at 310.

\textsuperscript{100} See id.
In his concurring opinion, Justice Kennedy emphasized the very limited scope of the Court’s opinion, and offered a more concrete and elaborate statement of the obligation the Court alluded to in its opinion:

Our decision today speaks to the interpretation of a statute, to the requirements of the law, and not to the professional responsibility of the lawyer. Lawyers, like all those who practice a profession, have obligations to their calling which exceed their obligations to the State. Lawyers also have obligations by virtue of their special status as officers of the court. Accepting a court’s request to represent the indigent is one of those traditional obligations. Our judgment here does not suggest otherwise. To the contrary, it is precisely because our duties go beyond what the law demands that ours remains a noble profession.

Kennedy’s language greatly resembles Justice Cardozo’s assertions made almost sixty years earlier. Both declare that an attorney is professionally obliged to provide legal service to those who are unable to pay, and that it is a duty one accepted in becoming a member of the bar. By concurring fully with the Court’s opinion, in which a lawyer’s ethical obligation to perform pro bono service was affirmed, Kennedy appears to agree with Cardozo’s statement that an attorney is at times obliged to perform legal services without compensation. Based upon these statements, the validity of arguments that claim a mandatory pro bono requirement would violate the Fifth Amendment’s Takings Clause clearly wanes. It is evident that the United States Supreme Court views the performance of pro bono service to be an ethical obligation of attorneys, and at least some members would likely reject opponents invoking the Fifth Amendment as a Constitutional obstacle to a mandatory pro bono requirement.

While the above discussion applies to attorneys primarily, it is fully relevant to proposals for mandatory pro bono programs in law schools. As discussed above, a main goal of law school is the education of students regarding professional responsibility. If the courts have stated that providing uncompensated legal services for the poor is an ethical

101. See id. (Kennedy, J., concurring).
102. Id. at 310-11 (Kennedy, J., concurring).
104. See Mallard, 490 U.S. at 310-11 (Kennedy, J., concurring); Karlin, 162 N.E. at 489-90.
105. See Mallard, 490 U.S. at 310-11 (Kennedy, J., concurring); Karlin, 162 N.E. at 489-90.
106. See Mallard, 490 U.S. at 310-11 (Kennedy, J., concurring); Karlin, 162 N.E. at 489-90.
107. Justice O’Connor has stated that she supports mandatory clinical or pro bono programs in law schools. See Dubin, supra note 50, at 1475 n.73.
108. See supra notes 46-47 and accompanying text.
mandatory pro bono for law students

obligation for attorneys, then law students should be aware of this duty, and be subject to a similar one.

In addition, it should be noted that law students are not practicing members of the bar, so their services are not their "livelihood." While the case law is unclear regarding whether an attorney's services constitute property, this distinction would tend to disfavor claims that a student's services are property. Just as a student is required to devote a portion of his or her time to the study of Contract Law, a student may be required to engage in pro bono work as a requirement of a law school's educational curriculum.

3. Thirteenth Amendment

Despite its general dismissal by many, some contend that mandatory pro bono requirements violate the spirit of the Thirteenth Amendment's clause prohibiting the existence of involuntary servitude. The theory supporting this claim is that an attorney faced with a mandatory requirement of pro bono service has no viable means of avoiding or declining to perform such service, and thus is placed into involuntary servitude. This argument is quickly dismissed by others, including Professor Deborah Rhode, who points out that "[a] well-established line of precedent holds that Thirteenth Amendment prohibitions extend only to physical restraint or a threat of legal confinement... Since sanctions for refusing pro bono work would not include incarceration, most courts have rejected involuntary servitude challenges." Hence, mandatory pro bono programs would not be barred by concerns for a student's right to avoid involuntary servitude.

More importantly, those who propose that a mandatory pro bono program would violate the Thirteenth Amendment seem to have forgotten the history of that constitutional enactment. A "primary objective[] was to assure equal justice and universal freedom for

109. See Stevens, supra note 87, at 783 (theorizing that an attorney's labor is her only marketable product and thus should qualify as property to be afforded protection by the Fifth and Fourteenth Amendments).

110. See supra notes 88-89 and accompanying text.

111. See Bellacosa, supra note 23, at 753 (describing such a proposition as "silly, embarrassing and counterproductive"); Burke et al., supra note 24, at 73 (noting that most courts would reject this argument); Lesnick, supra note 32, at 27-28 (describing the theory as "pretty thin ice to skate on"); Silverman, supra note 43, at 948 n.102.

112. See U.S. Const. amend XIII (stating, in relevant part, "[n]either slavery nor involuntary servitude... shall exist within the United States... "); see also Scully, supra note 70, at 1261; Murray, supra note 10, at 1160.

113. See Scully, supra note 70, at 1261.

114. Rhode, supra note 26, at 2422 (footnotes omitted).
African-American people.”

Both those who supported and those who opposed the Amendment recognized that its purpose extended beyond the act of freeing those who were enslaved; the Amendment was intended to protect those who had been systematically denied access to the rights afforded all American citizens. In light of this background, both the irony of the use of this argument to dismiss mandatory pro bono requirements and the misguided nature of any application of the Amendment to such a situation are revealed. It is inappropriate to attempt to draw a parallel between the impairment of freedom that the African-American community has endured in our nation’s history and the burden an attorney would suffer if he or she were compelled to perform free legal services for the poor. As one scholar effectively stated: “It is surprising ... to hear some of the most wealthy, unregulated, and successful entrepreneurs in the modern economic world invoke the amendment that abolished slavery to justify their refusal to provide a little legal help to those, who in today’s society, are most like the freed slaves.”

B. What Qualifies as “Pro Bono?”

For law schools planning to launch a mandatory pro bono program, a more pressing concern than the possible constitutional challenges addressed above in Part IV.A would be the act of defining what work would qualify as pro bono. Much debate has transpired as to whether it should be limited to assisting those in need, as Model Rule 6.1 encourages, or whether a broader type of requirement, perhaps encompassing all nonprofit organizations, is preferred. Those who encourage limiting the scope of possibilities for pro bono placements to those directly servicing the poor argue that doing so will prevent the interference of political or religious affiliations with the delivery of these:

116. See id. at 35-37.
117. Rhode, supra note 26, at 2423 (quoting Michael Millemann, Mandatory Pro Bono in Civil Cases: A Partial Answer to the Right Question, 49 MD. L. REV. 18, 70 (1990)).
118. See supra notes 70-117 and accompanying text.
119. See Rhode, supra note 26, at 2423 (noting that the broader the definition of what would satisfy a pro bono requirement, the less likely that the poor will be the primary beneficiaries).
120. See MODEL RULES, supra note 5, R. 6.1(a).
121. See Lesnick, supra note 32, at 31 (stating that he would be uncomfortable with a program where a school specified where a student should serve, but hopes that many would choose to serve the poor); Rhode, supra note 26, at 2423 (asserting that a broad definition will likely result in granting the greatest benefit to “middle class individuals and organizations,” including hospitals, museums and churches).
much-needed services. Some conclude this approach would avoid opponents’ arguments regarding violations of the First Amendment, because law schools are not requiring students to align themselves with organizations that promote one aspect of an issue, such as pro-women’s choice groups or pro-gun control groups.

However, the challenge of defining which legal services actually benefit the poor provides another point of contention, and demonstrates that such a limitation may not prove to be apolitical. One opponent to such a limitation has offered the following examples: “Does legal aid for an indigent minor seeking an abortion constitute pro bono services? What about legal aid for an indigent father seeking to prevent an abortion?” These hypothetical situations illustrate the complexity that would be involved in attempts to narrow the types of qualifying services.

Even those who favor the idea of limiting the work to services that directly benefit the poor acknowledge another negative effect that might result from such a rule: other areas of public interest, including environmental protection groups or civil rights organizations, would be deprived of these pro bono legal services. This may initially deter one from applying such a limitation, but upon closer consideration, the effect may not be so severe, especially in the context of student programs. Even when a student’s options for pro bono placement are restricted to servicing low-income clients, opportunities may still arise to provide assistance to organizations that would ordinarily be excluded.

For instance, if an environmental group were to initiate an action against a company whose illegal dumping practices had created a severe health risk to residents in a predominantly low-income neighborhood, a student could assist that organization in advancing the action and still satisfy a pro bono requirement that limited his or her options to servicing low-income populations. The great variety of legal services needed by the poor provides an opportunity for students to assist in innumerable areas of interest. While other public interest groups may not receive as much student assistance, a program that requires students to serve low-income individuals still allows for diverse student experiences and adheres to an attorney’s ethical obligation to ensure this population’s access to justice.

122. See Scully, supra note 70, at 1252 (noting that some view such a limitation as charitable in nature, rather than political or ideological).
123. See Rhode, supra note 26, at 2423.
124. See Scully, supra note 70, at 1253-54.
125. Id. at 1253.
126. See Rhode, supra note 26, at 2423.
In contrast, making the definition of acceptable pro bono work exceedingly broad, by including government offices and agencies and all nonprofit organizations, is another manner of defining what qualifies as pro bono. 127 This approach has been incorporated by some law schools that have adopted a mandatory requirement. 128

A broader definition also dodges the First Amendment challenge to a mandatory pro bono requirement, since students’ choices for placement are minimally curtailed by limitations imposed by the school. This flexibility assures that students would not be compelled to work at a placement that promoted ideals or political messages with which they disagree. 129 For example, under such an arrangement, a student may satisfy a pro bono requirement by serving either the National Organization for Women Legal Defense and Education Fund or the National Right to Life Committee.

V. A SUGGESTED MODEL FOR A LAW SCHOOL MANDATORY PRO BONO PROGRAM

As discussed previously in this Note, a small number of law schools have already implemented a mandatory pro bono service requirement into their curricula. 130 Drawing upon their experiences and models, one can sculpt a proposal for a mandatory program that could be adopted by the many law schools that have yet to implement such a requirement. This proposed program dispels a number of the arguments proffered by opponents to mandatory pro bono.

A. The Program’s Definition of Pro Bono

Despite the benefits associated with a very broad definition of what may qualify as pro bono work, this approach does not reflect the ABA’s ideals as reflected in Model Rule 6.1. 131 The Model Rule specifies that an attorney should “provide a substantial majority of the [required] hours of legal services . . . to: (1) persons of limited means or (2) charitable,

127. See Lesnick, supra note 32, at 31.
128. Both the University of Pennsylvania and Columbia University have incorporated this definition into their mandatory pro bono programs. See Univ. of Pa. Law Sch., Eligible Placements, in THE PENN LAW SCHOOL PUBLIC SERVICE PROGRAM: THE STUDENT HANDBOOK 3 (2000-01) [hereinafter PENN HANDBOOK]; Columbia Pro Bono Programs, supra note 52.
129. See supra text accompanying notes 74-80.
130. This list includes Columbia, Florida State, University of Hawaii, Harvard, University of Louisville, University of Pennsylvania, Southern Methodist University, Stetson University, and Tulane. See AALS PRO BONO PROJECT, supra note 8, at 9.
131. See MODEL RULES, supra note 5, R. 6.1(a).
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religious, civic, community, governmental and educational organizations in matters which are designed primarily to address the needs of persons of limited means.132 It would be difficult, even for the most strident opponent to mandatory pro bono, to argue that the multitude of options suggested by Model Rule 6.1 are so limited as to present an infringement on a student’s First Amendment rights. Indeed, the only curb upon the vast possibility of placements is that the work must address the needs of “persons of limited means.”133 At Columbia University and the University of Pennsylvania, which both have mandatory requirements, law students have the option of assisting practicing attorneys with their pro bono work.134 This practice conforms to the guidelines established by Rule 6.1, so long as the attorney is serving the needs of the poor.

This option is a useful approach for law schools located in more rural areas. A school’s location must be a consideration when mapping out a program proposal. In rural areas, where only limited legal services are offered to the poor, a law school’s pro bono requirement could impose an unreasonable burden upon the few qualifying agencies and organizations.135 If the number of students in need of a placement greatly exceeds the number of available pro bono services for the poor, some law schools may have to adopt a broader definition of qualifying pro bono activities.136 This would ensure that each student would have access to sufficient supervision as he or she fulfilled her requirement.137

Touro College’s Jacob D. Fuchsberg Law Center (“Touro”) provides one example of a more rural school’s creative solution to this particular challenge.138 The school realized its number of students would place too much pressure upon the small number of available pro bono opportunities in the surrounding community, so it created other options by which a student could fulfill the school’s “Public Interest Law Perspective Requirement.”139 Students may participate in one of the

132. Id.
133. Id.
134. See PENN HANDBOOK, supra note 128, at 3; Columbia Pro Bono Service, supra note 3.
135. Although the community may have a need for more legal services, the influx of hundreds of law students eager to provide assistance, or at least anxious to fulfill their school’s mandatory requirement, may prove to be overwhelming when available supervision is not as plentiful. See Durham, supra note 8, at 46.
136. See 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, 14-15 (1994); see also Durham, supra note 8, at 46-48 (describing the solution developed by Touro).
137. See Befort & Janus, supra note 136, at 15.
139. Id. at 46.
school's own law clinics and forego the credits that such work would normally provide towards graduation requirements. Alternatively, the students may opt to take a designated "public interest course" such as "Rights of the Poor" or "Racism & Law." These courses emphasize "the legal needs of the underrepresented people in their community," and inform students of ways in which they can assist those in need of legal representation. Students enrolled in one of the designated classes must additionally perform twenty hours of pro bono service before graduation to satisfy the school's requirement. Finally, students may choose the school's third option and perform forty hours of pro bono service that is legal, uncompensated, and "designed . . . to directly or indirectly address the legal needs of poor persons or of traditionally underrepresented groups," in order to satisfy the public interest requirement. Through this variety of options, the school has been able to successfully expose all of its students to a pro bono experience before they graduate, while not overwhelming the surrounding community's legal resources.

A final point to be noted regarding the definition of qualifying work: The work must be legal, rather than simply of a public interest nature. Students should not be able to satisfy the requirement by volunteering to serve lunch at a local soup kitchen every Saturday. While such work is laudable, it would not serve the purpose of a mandatory pro bono requirement. Students are expected to gain a greater understanding of their ethical obligations to the poor, and to have an opportunity to develop and apply their lawyering skills, by engaging in pro bono work. The requirement is intended to enhance a student's legal education, and so the experience gained should provide an opportunity to involve the student in legal issues.

B. The Question of Credit or Other Compensation

The general consensus among scholars and the law schools that currently have mandatory pro bono programs in place is that students

140. See id. at 47.
141. Id.
142. Id.
143. See Touro Law Center, Academic Programs, Upper Division Requirements, at http://www.tourolaw.edu/Abouttlc/AcademicPrograms/UpperDivision.html (last visited Feb. 12, 2002) [hereinafter Touro, Upper Division Requirements].
144. See id.
145. Durham, supra note 8, at 47 (quoting Touro guidelines).
146. See id.
147. See Befort & Janus, supra note 136, at 14; Lesnick, supra note 32, at 30.
should not receive credit or compensation for their service. The reasons for this may seem obvious: one of the goals of a mandatory pro bono requirement is to encourage students to continue to perform such services once they become practicing attorneys. Therefore, the experience should mirror that of attorneys, who are not generally compensated for pro bono services.

Where students are performing their pro bono service through a law school clinic, which normally would award academic credit to participating students, such credit should be waived. This is the approach used by Touro. The University of Pennsylvania decreases the number of credits a student receives by one, rather than eliminating the award of academic credit entirely, and applies that credit to the student's public service requirement. The school offers the same option to students participating in an externship program.

Whether a law school will require a student to decline any academic credit in order to apply a clinic experience to the satisfaction of a pro bono requirement, or merely reduce the amount of credit a student can earn for the experience, depends largely upon the amount of credit awarded for participation in a clinical program, and the number of hours required to satisfy the school's pro bono requirement. Where the number of credit hours awarded greatly exceeds the number of pro bono hours required by a law school, Penn's approach seems a fair solution: students are able to satisfy their requirement in an exceptional placement, yet they are not deprived of enjoying the benefit of the services they provide in excess of the amount required of their fellow students. However, at schools where clinic participation requires a less extensive commitment by the students, Touro's approach seems more appropriate. Again, the number of hours required to complete the school's pro bono requirement should also be considered: if the number of hours is greater, then even a more rigorous clinical experience might not allow for the award of partial credit. Only the amount of work that

148. See Lessnick, supra note 32, at 30-31 (explaining that a student's work should be unpaid and should not be awarded academic credit); PENN HANDBOOK, supra note 128, at 3 (stating that Penn's students' pro bono work is noncredit and is not compensated). But see Befort & Janus, supra note 136, at 16 (reporting that a proposed model that emerged during a group brainstorming session would award academic credit to students for their pro bono work; the group believed "that graded academic credit would best facilitate student commitment to providing high quality legal services").

149. See supra text accompanying notes 139-41.

150. See PENN HANDBOOK, supra note 128, at 11.

151. See id.
exceeds the hours required to satisfy a pro bono requirement should be compensated with academic credit. 152

C. How Much Should Be Required of a Student, and When Should Work Be Performed?

A mandatory pro bono requirement should be a recurring one, so that each student has an annual requirement to meet. 153 In this way, the experience more closely resembles the ethical obligation of a practicing attorney. 154 Rather than a one-time duty, pro bono service is intended to be integrated into an attorney’s annual work load. 155

The required number of pro bono service hours has varied greatly among law schools that have implemented mandatory programs. As discussed in Part V.A of this Note, Touro has a forty-hour requirement for students that opt to fulfill the school’s requirement by performing pro bono work outside of the school’s clinic opportunities. 156 Columbia University also requires students to perform forty hours of pro bono service between the start of their second year and graduation. 157 Some scholars have declared that these requirements are too lenient. 158 They argue that such limited experience would prevent students from receiving the full benefits offered by a pro bono program. 159 If a student’s obligation is modeled upon the ABA’s guidelines in Model Rule 6.1, but pro-rated for the portion of the year that a student is in attendance, then a student should perform approximately thirty-five hours annually. 160 This is the amount of time required by Penn. 161 While this may seem to be a

152. This, of course, would apply only when the student seeks to use his or her clinical experience to satisfy a pro bono requirement.

153. See Lesnick, supra note 32, at 30. This is the practice at Penn, where students are required to perform thirty-five hours annually while registered for their second and third years at the law school. See PENN HANDBOOK, supra note 128, at 11. Touro and Columbia do not have a recurring pro bono requirement, but the number of hours, forty at both schools for students who opt to perform their service at a placement, would be difficult to complete in an academic year. See Columbia Pro Bono Programs, supra note 52; Touro, Upper Division Requirements, supra note 143.


155. See MODEL RULES, supra note 5, R. 6.1 cmt. 1.

156. See Touro, Upper Division Requirements, supra note 143.

157. See Columbia Pro Bono Programs, supra note 52.

158. See Befort & Janus, supra note 136, at 16 (stating that twenty hours annually is not enough to offer students the proper experience).

159. See id. (noting that students will be unable to acquire all the necessary skills and may not understand the importance of the ethical obligation of the legal profession to engage in pro bono service).


161. See id. at 29-30.
large amount of time to demand from a law student who is most likely
time-strapped already, it would require only about one hour of service
per week during the two semesters of a regular academic year. One
should also note that pro bono requirements are not generally put upon
first-year students. This allows these students to acclimate to law
school's demands before placing an additional "burden" upon them.

While some schools, such as Columbia and Touro, allow students
to perform their pro bono requirements during semester breaks or
summers, others, including Penn, mandate that students perform their
obligation during their periods of attendance at the law school. By
requiring that the pro bono obligation be satisfied while the student is
attending classes, the student is made to experience pro bono
requirements "as part of their work." This is meant to encourage
students to continue to view pro bono as part of an attorney's work load,
even after they graduate and begin their own practices, with the hope
that many will continue to regularly incorporate pro bono work into their
schedules.

VI. CONCLUSION

In light of the lack of commitment to pro bono work among
practicing members of the bar, a concerted effort must be made by law
schools to raise the awareness among students of their ethical obligation
to provide legal services to persons of limited means. The most effective
manner of accomplishing this is by instituting mandatory pro bono
requirements in all law schools. Despite the opponents' protestations,
these programs provide numerous benefits, including professional and
personal development for the student, desperately needed legal services
to the community, and a greater understanding of the importance of pro
bono work to the profession as a whole.

Law schools may draw upon existing mandatory programs to
develop a model that will achieve these benefits. Some of the primary
aspects to incorporate include: limiting the qualifying placements to
those that fall within the guidelines of Model Rule 6.1(a); allowing only
uncompensated (both financially and academically) service to satisfy the
requirement; and establishing a recurring requirement, to be performed
during the academic year, that is significant enough in hours that
students are able to receive a worthwhile experience. If more law

\[162. \text{ See id. at 30.} \]
\[163. \text{ See id.} \]
\[164. \text{ Id.} \]
schools would incorporate such requirements into their curricula, the positive impact upon both the individual law student and the legal profession as a whole would be overwhelming.

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