

MORE EQUAL ACCESS TO JUSTICE: THE UNREALIZED POTENTIAL OF LAW SCHOOLS

“I went to law school. I found it interesting for the first three weeks.” -Demetri Martin, comedian

“It was my best moment ever. I got to tell the client, his brother, and the witnesses we won.” - Brittany Thomas, pro bono law student

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Courts, bar associations, and other professional leaders over the past several years have focused attention on the need for greater access to justice for a larger number of Americans. The need has never been greater. Over sixty million Americans—one in five—qualify for federally-funded legal assistance.¹ Studies

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show those sixty million people average 1.3 to 3.0 legal problems per household each year.² Many more low-income people who fail to qualify for legal assistance are still unable to afford a lawyer.

Led by newly created access to justice commissions and task forces at the state and federal level, a number of innovative programs and initiatives have been deployed. Almost uniformly, those efforts have focused on four strategies: (1) increasing funding for existing legal-services programs, (2) increasing pro bono work by lawyers, (3) reducing justice system barriers for self-represented litigants, and (4) leveraging emerging technologies to achieve the other three.³

Yet, these primary strategies have been only modestly successful. Federally-funded legal services, at best, serve less than twenty percent of the legal need.⁴ And funding for those programs is significantly shrinking.⁵ The pro bono efforts of private attorneys supplement the work of the legal aid offices. But even legal aid and pro bono efforts combined only serve twenty percent of the civil legal needs of the poor.⁶ At the same time, our complex legal system is far from user friendly for self-represented litigants.⁷

Despite the increased attention on access to justice problems, the potential role of our nation's law schools has been largely

¹ *Budget Request Fiscal Year 2013*, LEGAL SERVS. CORP. 1, 1-2, <http://www.lsc.gov/sites/default/files/FY%202013%20Budget%20Request.pdf>.

² *Documenting the Justice Gap in America: The Current State of Unmet Civil Legal Needs of Low-Income Americans*, LEGAL SERVS. CORP. 1, 15 (September 2009), http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf.

³ See generally American Bar Association, *Resource Center for Access to Justice Initiatives*, AMERICANBAR.ORG (last updated Aug. 9, 2012), http://www.americanbar.org/groups/legal_aid_indigent_defendants/initiatives/resource_center_for_access_to_justice.html.

⁴ *Documenting the Justice Gape in America*, *supra* note 2, at 16.

⁵ E.g., *Funding Cuts Expected to Result in Nearly 750 Fewer Staff Positions at LSC-funded Programs*, LEGAL SERVS. CORP. (last updated Aug. 15, 2012), <http://www.lsc.gov/media/press-releases/funding-cuts-expected-result-nearly-750-fewer-staff-positions-lsc-funded>.

⁶ Judith L. Maute, *Changing Conceptions of Lawyer's Pro Bono Responsibilities: From Chance Noblesse Oblige to Stated Expectations*, 77 TUL L. REV. 91, 94 (2002). See also Douglas A. Blaze, *The Crisis in Legal Aid: The Challenges and Some Solutions*, 39 TENN. BAR J. 12, 14 (Jan. 2003) (reviewing Tennessee statistics).

⁷ Benjamin H. Barton, *Against Civil Gideon (and for Pro Se Court Reform)*, 62 FLA. L. REV. 1227, 1233 (2010).

ignored. The oversight is understandable. Historically, law schools generally have not played a very significant role in helping meet the legal needs of the poor. For example, despite the longevity and importance of clinical programs at some law schools, the legal academy has been slow to embrace clinical education as a core and vital part of the curriculum.⁸

Recent changes in legal education and law school programs demonstrate legal education could and should be a major player in helping to serve the legal needs of the poor. As Professor Phyllis Goldfarb recently wrote, “[F]uture value of law students’ three-year sojourn will require law schools to teach less about what the law is and more about what the law does and what lawyers do with law.”⁹ Law schools are at last responding, albeit slowly. Significant expansion in the number and types of law school clinics represent a potentially very meaningful source of needed legal representation, particularly in light of the unique position of law schools within the profession. And the recent explosion of law pro-bono programs can provide not only considerable direct representation, but also leverage the work of the private bar and legal services programs.

I. CLINICAL PROGRAMS

A. Program Growth

Over the past decade, the number and variety of clinical experiences available to law students has grown enormously. The program at the University of Tennessee illustrates this trend. Fifteen years ago, the clinical program consisted of an Advocacy Clinic and a Mediation Clinic. The Advocacy Clinic represented tenants, criminal defendants, and unemployment and disability claimants. Today, the clinical program, in addition to the Advocacy and Mediation Clinics, includes clinics focusing on immigration, wills and estates, domestic violence, business,

⁸ Douglas A. Blaze, *Déjà Vu All Over Again: Reflections on Fifty Years of Clinical Education*, 64 TENN. L. REV. 939, 939-43 (1997) (reviewing history of clinical legal education).

⁹ Phyllis Goldfarb, *Back to the Future of Clinical Legal Education*, 32 B.C. J. L. & SOC. JUSTICE 279, 288-89 (2012).

wrongful convictions, and natural resources.¹⁰ In addition, the law school now provides three externships—public defender, prosecution, and judicial—as well as a wide variety of field placements. The increase in the number and kinds of clinics is not unique to the University of Tennessee. Clinics across the country now offer a wide variety of experiential opportunities for students and legal work for clients.¹¹

Not only has the number of clinical opportunities at the University of Tennessee grown, the number of clinical faculty and the number of students participating has increased as well. Over eighty percent of the students participate in one of the clinical offerings each year. Seven faculty members, a fifth of the full-time faculty teaching primarily in the program, and several other faculty devote a smaller portion of their teaching to clinics and externships. In terms of hours devoted to legal services by the students and faculty, a very conservative estimate easily approaches 20,000 hours annually—or the equivalent of ten full-time attorneys.¹² And that is from just one relatively small law school.

B. Potential Impact and Contribution

In hours of legal services alone, the resource potential is quite significant. But, the impact could be far greater for several reasons. First, law school clinical programs, unlike federally-funded legal-services programs, are not subject to any restrictions on the types of cases handled or clients represented.¹³ So, clinical programs can represent undocumented residents or defend evictions based on alleged drug related or criminal activity. And even more important, law school programs can take on class

¹⁰ See generally *Centers & Clinics*, UNIV. OF TENN. AT KNOXVILLE, <http://law.utk.edu/centers-clinics/> (last visited Feb. 2, 2013) (describing Tennessee clinical program).

¹¹ See *A Survey of Law School Curricula: 2002-2010*, AMER. BAR ASSOC. 1, 76-77, http://www.abanow.org/wordpress/wp-content/files_flutter/1341346391LawSchoolCurriculaSurveyExecSummary.pdf.

¹² Students devote about 250 hours of legal work per semester in a six-credit clinical course. Faculty expend over 300 hours of supervision per semester. The calculation is based on the participation of 120 students and seven faculty members annually.

¹³ 45 C.F.R. § 1600 (2011).

action and other impact litigation, which are off-limits to the attorneys in legal services programs.¹⁴

Second, the expertise of faculty members—both clinical and non-clinical—represents an untapped resource which could be used to leverage the work of the students in particularly complex and challenging cases. Faculty teaching real property courses could advise and assist clinical faculty and students with regard to mortgage foreclosure challenges. Or faculty teaching federal courts or procedure could assist in complex cases or potential class actions quite effectively.

Third, most clinical programs do not rely on grant funding for survival—In direct contrast to many legal services programs.¹⁵ As a result, clinical programs can be much more agile in responding to emergent needs or crises by reallocating faculty and student resources to particular case types or client populations. For example, clinics across the country responded to the foreclosure debacle and to the innumerable legal problems arising from the Katrina disaster.

C. Interdisciplinary Resources

Law schools are often a part of a larger university and have access to student and faculty expertise from other disciplines on behalf of clients. The value of such a multi-disciplinary approach to the legal needs of the poor is widely recognized.¹⁶ The newest label for this type of legal-service program is “holistic representation.”¹⁷ This approach requires consideration and analysis of the legal problem being confronted in the context of the client’s life and larger community problems. The “whole client

¹⁴ 45 C.F.R. §1617 (2011) (prohibiting Legal Services Corporation funded entities from handling class actions).

¹⁵ See generally *Resource Center for Access to Justice Initiatives*, AMER. BAR ASSOC. (last updated Aug. 9, 2012), http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_atj_legal_aid_funding_source.authcheckdam.pdf.

¹⁶ See *Recommendations of the Conference on the Delivery of Legal Services to Low-Income Persons*, 67 FORDHAM L. REV. 1751, 1766 (1999).

¹⁷ E.g., Robin G. Steinberg, *Beyond Lawyering: How Holistic Representation Makes for Good Policy, Better Lawyers, and More Satisfied Clients*, 30 N.Y.U. Rev. L. & Soc. Change 625 (2006) (discussing holistic representation approach pioneered by Bronx Defenders).

condition is crucial, not just case resolution.”¹⁸ An essential element of this broader problem-solving strategy is reliance on other professionals, like social workers. In fact, the clinical program at the University of Tennessee over the years has worked with social work and clinical psychology and, more recently, nursing to assist clients in a wide array of cases.

D. Service Mission

Greater utilization of clinical programs to serve the poor builds on a strong tradition of service within that part of the legal academy. Providing quality legal service to the indigent has been an essential mission of clinical education since its inception. The earliest clinical programs were an outgrowth of the legal-aid movement, and early clinical pioneers remained heavily involved in those efforts after moving into academia.¹⁹ The Legal Clinic at the University of Tennessee, for example, was at one time the legal-service provider for four counties in the state and the public defender for one.²⁰

So, the foundation exists. But to deploy the law school clinics effectively, the efforts must be carefully coordinated with the work of the legal services programs and pro bono efforts of the private bar. As noted above, law school clinical programs should focus primarily on matters only they can handle due to restrictions on other providers or in light of the unique expertise and resources of the law schools and associated universities.

But, the coordination should not just be with clinical programs. The growth of vibrant pro bono programs at many schools needs to be brought into the mix as well.

II. PRO BONO PROGRAMS

With nearly 200 law schools and student enrollment near 156,000, law school pro bono programs can—through planning, oversight, administration, and evaluation—greatly impact both

¹⁸ Cait Clarke, *Problem-Solving Defenders in the Community: Expanding the Conceptual and Institutional Boundaries of Providing Counsel to the Poor*, 14 GEO. J. LEGAL ETHICS 401, 429 (2001) (discussing whole-client representation or holistic advocacy in criminal cases).

¹⁹ Blaze, *supra* note 8, at 950-51.

²⁰ Blaze, *supra* note 8, at 952.

the present and future of unmet legal needs by providing overlooked services, instilling the ideals of public service in students and practitioners alike, and engaging resources and individuals that may otherwise remain on the sidelines.²¹

A. Present Situation

One hundred seventy-six of the nearly 200 law schools in this country are listed in the 2011 Directory of Law School Public Interest and Pro Bono Programs disseminated by the ABA's Standing Committee on Pro Bono and Public Service and the Center for Pro Bono.²² Of these 176 law schools, 21 law schools have a pro bono graduation requirement, 118 have a formal voluntary pro bono program, and 19 have independent, student pro bono group projects.²³

Even among those law schools identified as having required, formal, or informal pro bono programs, the definition of "pro bono" varies from school to school and lacks consistency.²⁴ Some law schools have adopted policies defining pro bono very broadly and include non-legal community service work and/or work performed for academic credit.²⁵ Some law schools have adopted policies defining pro bono narrowly, relying on the definition of pro bono as set forth in Model Rule of Professional Conduct 6.1.²⁶ Some law

²¹ *Statistics of Law School Enrollment and Degrees Awarded*, AMER. BAR ASSOC. (2011), http://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.authcheckdam.pdf.

²² *Chart of Law School Pro Bono Programs*, AMER. BAR ASSOC., http://apps.americanbar.org/legalservices/probono/lawschools/pb_programs_chart.html (last visited Feb. 2, 2013).

²³ *Id.*

²⁴ Deborah L. Rhode, *Cultures of Commitment: Pro Bono for Lawyers and Law Students*, 67 *FORDHAM L. REV.* 2415, 2442 (1999).

²⁵ *Chart of Law School Pro Bono Programs*, *supra* note 22.

²⁶ MODEL RULES OF PROF'L CONDUCT R. 6.1 (2010).

In fulfilling this [pro bono publico] 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 that 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

schools leave it to the discretion of the individuals actually rendering the service to determine whether their work qualifies as pro bono.²⁷

While there may be benefits to adopting a uniform definition of pro bono among the law schools, the reality is currently there is not a uniform definition, and each law school addresses or ignores that issue in its own way.²⁸ Regardless of the definition of pro bono utilized by law schools, the reality that is the overwhelming majority of law schools report some type of pro bono programming. So, the potential to promote greater access to justice is considerable.

B. Capabilities

While by no means exhaustive, the following three examples of the capabilities of pro bono programming within law schools are offered to promote the notion that pro bono programming within law schools can be an overlooked opportunity for engaging and serving those in need of legal assistance, constituents of the university, and alumni.

One of the greatest strengths of extracurricular law school involvement is flexibility.²⁹ The flexibility inherent in pro bono programs is multifaceted.³⁰ Although not an exhaustive list, the following aspects of pro bono programming is indicative of the adaptable nature of law school pro bono programs:

The first aspect is time. Unlike the time commitments and constraints characteristic of clinical programs, pro bono activities

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.

²⁷ *Chart of Law School Pro Bono Programs*, *supra* note 22.

²⁸ *Chart of Law School Pro Bono Programs*, *supra* note 22.

²⁹ Douglas L. Blaze, *Toward Equal Access to Justice: Rethinking the Role of Law Schools*, 2 TENN. J. L. & POL'Y 66, 75 (2005).

³⁰ *Id.*

can offer students the opportunity to serve a few hours at a time, on weekends, and during academic recesses.

The second aspect is skill levels. Whereas students wishing to participate in clinical programs often are required to have completed extensive prerequisite courses, pro bono programs allow students to participate earlier in their law school careers.

The third aspect is clients served. Often clinical programs will serve a particular client base with a particular need. Pro bono programs have the ability to serve a diverse client base with diverse needs through “Know Your Rights” presentations, advice clinics, intake services, and other similar events. Additionally, Professor Rhode notes “an array of choices [for pro bono involvement] that match participants’ interest with unmet needs, is likely to increase participation.”³¹

Another strength of law school pro bono programs is the ability to leverage resources and increase delivery efficiency. As discussed by the National Center for Access to Justice at Cardozo Law School, “Our interest in law student pro bono . . . is driven by our search for models in which larger numbers of students can contribute to legal assistance to projects that can make a greater difference for larger numbers of people in need.”³² While clinics, externships, and paid internships can, in certain instances, have greater, lesser, or equivalent reach and impact, generally the supervisor-to-student ratio in those structures is generally less than in law student pro bono. Given the vast numbers of people with unmet legal needs, this possibility for a relatively affordable expansion of service has prompted close examination of law student pro bono.”³³

One example of this type of leveraging and efficiency is exemplified through the number of individuals reached through pro bono programming. Although the service rendered through pro bono programs is often different in character and extent than service provided through clinical or externship programs, pro bono programs can, depending upon design, serve a larger number of

³¹ Rhode, *supra* note 24, at 2431.

³² *Model Projects & Structures to Strengthen Law Student Pro Bono to Increase Access to Justice*, NAT’L CTR. FOR ACCESS TO JUSTICE AT CARDOZO LAW SCH. (2012), <http://files.equaljusticeworks.org/ccf/probonomodelsmemo.pdf>.

³³ *Id.*

individuals with fewer resources than a clinical or externship program.³⁴ For example, a pro bono research memorandum addressing the substantive and procedural law of protective orders relied upon by local members of the bar as opposed to direct representation of a domestic violence victim in a clinical setting

Law school alumni provide another important and effective way to leverage student resources. “Alumni often have a special affinity for, or connection with, their law school.”³⁵ Often invitations extended to alumni to participate in a Saturday Clinic or a Wills for Heroes event sponsored by a law school pro bono program will yield a greater number of attorney volunteers than an invitation to participate in a similar event that is sponsored by another non-law school legal service provider. Thus, the response of alumni from direct invitations from their alma maters not only allows the alumni to give back to their law schools, but also increases the number of attorneys providing pro bono service, the number of students involved and appropriately supervised, and the number of clients served.³⁶

The final area of strength is the ability of law schools affiliated with universities to marshal other colleges and departments in providing service to those in need. Often when an individual or a family are in need of legal services that is not the only area of their lives where there is need. Additional issues may

³⁴ In 2011, Tennessee launched OnlineTNJustice.org, a website providing a virtual forum for indigent clients to seek advice from licensed attorneys. *About*, ONLINE TENN. JUST., <http://onlineTNjustice.org/Home/About>. As described on its website, OnlineTNJustice.org is a “joint project of the Tennessee Alliance for Legal Services [(TALS)] and the Tennessee Bar Association. Special thanks to Microsoft, Dell, and to the Tennessee Supreme Court’s Access to Justice Commission for their critical support of this project.” *Id.* OnlineTNJustice.org permits qualifying individuals from anywhere in Tennessee to post a legal question in a confidential online forum. *Id.* Volunteer attorneys then have the opportunity to select which question they would like to answer, and then respond to the initial question that was posted. *Id.* TALS has identified subject matter areas that are hot topics in the OnlineTNJustice.org forums. *Id.* In order to aid volunteer attorneys interested in providing assistance through OnlineTNJustice.org, students involved with the pro bono program at the University of Tennessee will draft legal memoranda made available to the volunteer attorneys. *Id.*

³⁵ Blaze, *supra* note 29, at 79.

³⁶ Committee on Legal Assistance, *Mandatory Law School Pro Bono Pro-grams: Preparing Students to Meet Their Ethical Obligations*, 50 RECORD 170, 176 (1995). As noted by Professor Rhode, in this ABA survey, over 90 percent of deans agreed pro bono activities had provided valuable good will in the community, and two-third felt such work had proven valuable with alumni. Rhode, *supra*, note 24, at 2436.

exist regarding adequate housing, access to health care, educational hurdles, or an array of other problems. While law schools are particularly well-suited for addressing legal needs, colleges of health, social work, education, and others may be better suited in examining and addressing the other needs.

A concrete example of this interdisciplinary collaboration between colleges can be found at Pond Gap Elementary School, a community school located in Knoxville, Tennessee. The brainchild of Professor Robert Kronick of the University of Tennessee College of Education, Health, and Human Services, Pond Gap seeks to serve the needs of a student population consisting of students who all have at least one parent incarcerated. By bringing in graduate students in social work, education, and psychology, as well as law students, Pond Gap seeks to educate its students—and their families—in a variety of ways, including Know Your Rights presentations, in order to address a host of needs.³⁷

Despite these examples of the profound capabilities and strengths of law school pro bono programs, there are limits on the work such programs can engage in and accomplish.

C. *Limitations and Challenges*

As noted above, despite the potential of law school pro bono programs, significant limitations and hurdles exist.

First, and as noted in the first section of this article, pro bono programs are not the ideal setting for primary, direct representation of indigent clients. Such activities are more properly left to clinical programs, public interest entities, attorneys, and the private bar.

Second, securing ample alumni, faculty, or other attorney supervision is often difficult.³⁸ Because students are not licensed attorneys and must have appropriate supervision, student energy and resources may be left untapped if there are not ample attorneys to provide meaningful supervision of student volunteers.³⁹ This particular challenge may be most acute at law schools which have adopted graduation requirements mandating

³⁷ Blaze, *supra* note 29, at 73. See also Clarke, *supra* note 18, at 451 n.209.

³⁸ Blaze, *supra* note 29, at 81.

³⁹ *Id.*

pro bono participation. If such requirements follow the definition of pro bono as set forth in Model Rule 6.1, then the students must be adequately supervised at all times.⁴⁰ If there is insufficient faculty, staff, or private-bar support to supervise students subject to such requirements, it may be difficult for the students to meet the requirements.⁴¹

Third, funding pro bono programs is a persistent challenge at all levels, and law schools are no exception.⁴² Funding models vary from school to school, and range from programs providing institutional funding to not only support student efforts, but to also hire pro bono coordinators, to programs relying almost exclusively on student fundraising efforts.⁴³

The fourth challenge—“securing commitment from the law schools to accept the responsibility and assume the mantle of leadership”—may be the biggest challenge facing law school pro bono programming.⁴⁴ Although the basis for any reluctance on the part of law schools to accept this “mantle of leadership” may involve law school culture or reticence on the part of faculty to assume this responsibility, the end result is the same: law schools and student bodies less than fully engaged in pro bono efforts.⁴⁵

D. Direct and Indirect Benefits

The potential benefits of law school pro bono programs are myriad. The primary beneficiaries of such programs are students, law schools, and society. This triad of participants in the law school pro bono process can be thought of as a triangle, with benefits and burdens flowing to and from each point.

⁴⁰ See MODEL RULES OF PROF'L CONDUCT R. 6.1 (2010).

⁴¹ A mechanism to address any potential shortage of supervision in such programs would be to define “pro bono” for purposes of the graduation requirements in terms broader than those enunciated in Model Rule 6.1. MODEL RULES OF PROF'L CONDUCT R. 6.1 (2010). For example, the University of Memphis Cecil C. Humphreys School of Law defines pro bono as follows: “Pro bono service may be legal in nature or may be charitable public service.” *Cecil C. Humphreys School of Law Pro Bono Program: Student and Supervisor Handbook*, THE UNIV. OF MEMPHIS 1, 2, <http://www.memphis.edu/law/career/theprobonohandbook.pdf>.

⁴² Blaze, *supra* note 29, at 80-81.

⁴³ *Chart of Law School Pro Bono Programs*, *supra* note 22.

⁴⁴ Blaze, *supra* note 29, at 81.

⁴⁵ *Id.*

i. Students

Through law school pro bono programming, students are inculcated that public service is an important part of the legal profession; a proposition identified by several authors as being part of the “core competencies” of successful lawyers.⁴⁶ Attorneys participating in pro bono projects as students, or early in their careers, are more likely to continue rendering public service throughout their careers.⁴⁷ Additionally, participation in a law school pro bono program “helps bridge the gap between theory and practice, and enriches understanding of how law relates to life.”⁴⁸ It is across this “bridge”—in addition to other experiential learning opportunities—students are able to develop core competencies such as interviewing, fact-finding, rapport building, and teamwork.⁴⁹ In exchange for these benefits, students participating in law school pro bono programming must do so with awareness of their responsibilities. Each participating student should be aware of their responsibilities to not engage in the unauthorized practice of law, to represent their school and the profession in a dignified fashion, and to provide quality work and effort.

ii. Schools

By supporting a pro bono program, and as mentioned above in Part I.d, law schools work to fulfill the service component of their respective missions. Moreover, in pursuit of this goal, the law school improves the perception the public has of the profession at large. Pro bono programs can also assist law schools in

⁴⁶ Neil W. Hamilton, et al., *Encouraging Each Student’s Personal Responsibility for Core Competencies Including Professionalism*, THE PROFESSIONAL LAWYER 1, 21 (forthcoming 2012), available at <http://ssrn.com/abstract=2167055>; National Institute of Trial Advocacy, *The Future of Legal Education: A Skills Continuum*, NAT’L INST. OF TRIAL ADVOCACY, 7 (2009), http://www.nita.org/resources/docs/Future_of_Legal_Education.pdf; Roy Stuckey, et al., *Best Practices for Legal Education*, UNIV. OF S.C. SCH. OF LAW 1, 65-88 (2007), http://law.sc.edu/faculty/stuckey/best_practices/best_practices-cover.pdf.

⁴⁷ Paula Lustbader, *Painting Beyond the Numbers: The Art of Providing Inclusive Law School Admission to Ensure Full Representation in the Profession*, 40 CAP. U. L. REV. 71, 82 (2012).

⁴⁸ Rhode, *supra* note 24, at 2435.

⁴⁹ Hamilton, et al., *supra* note 46.

fulfillment of their goals to educate students, as “[p]ro bono is one of the most effective and least costly means of providing skills training and professional development.”⁵⁰ As law schools implement and development pro bono programs, it is incumbent upon each such school to ensure the programs are supported by: a formal policy, visibility, recognition of service, financial support, adequate staffing and supervision, and an independent identity within the school.⁵¹

iii. Society

Perhaps the most important benefit society receives through pro bono service is the increase in confidence in the judicial system that it inspires.⁵² As the public participates in pro bono programming through advice clinics, Know Your Rights presentations, or other services, the public’s perception of the bar and the legitimacy of the legal process increases.⁵³ Of course, the benefit individuals receive through advice, counsel, or service they would have not received but for the existence of pro bono programs cannot be understated.

An example of a pro bono program exemplifying each of these benefits and responsibilities can be found in the Vols for Vets Alternative Spring Break Project cosponsored by the University of Memphis, University of Mississippi, and the University of Tennessee.⁵⁴ Each spring, these schools work together to place student volunteers in the legal-service offices of the Judge Advocates Corps (JAG Corps) of the United States Army. The students are supervised by JAG Corps attorneys and spend their spring breaks learning substantive law related to domestic matters, military law, and criminal law. Through the efforts of these students, the JAG offices are able to serve more individuals

⁵⁰ Pro Bono Wire, *Turning Deferred Associate Start Dates Into a Pro Bono Opportunity*, PRO BONO INST. (Oct. 2010), <http://pbi.informz.net/admin31/content/template.asp?>

⁵¹ *A Handbook on American Law School Pro Bono Programs*, THE AALS PRO BONO PROJECT 1, 24-29 (2001), <http://www.aals.org/probono/probono.pdf>.

⁵² Rhode, *supra* note 24, at 2418.

⁵³ *Id.* at 2439.

⁵⁴ *Model Projects & Structures to Strengthen Law Student Pro Bono to Increase Access to Justice*, NAT’L CTR. FOR ACCESS TO JUSTICE AT CARDOZO LAW SCH. (2012), <http://files.equaljusticeworks.org/ccf/probonomodelsmemo.pdf>.

than they otherwise would be able to accommodate. This program is possible in large part due to the commitment of the participating law schools, the cooperation of the JAG Corps, and the dedication of the students. The benefits to each participant are readily discernible. Students build core competencies, such as peer and professional rapport building, interviewing skills, and teamwork.⁵⁵ The schools provide their students with an opportunity to connect classroom instruction with practical learning experience and help to fulfill the schools' mission of service. Finally, the public is served because more clients receive legal assistance for their particular dilemmas, and through press releases, the public at large sees how law schools participate in "giving back," thus increasing the public's perception of the profession as a whole.

And yet, there are many opportunities to further engage and enhance law school pro bono programming.

E. Possibilities and Potential

If we accept the veracity of the preceding arguments and examples of the benefits of law school pro bono programming, then it stands to reason these benefits can only be developed further as law school programming develops. "Developed" in this context includes: (1) growth of law school involvement, (2) growth of student involvement, and (3) growth in the participation of society, especially external partners. As each point in the aforementioned pro bono triangle expands its role, the result is a larger, more robust impact for good.

In the event law schools engage in the self-reflection advocated above and determine more emphasis on pro bono is in order, support from the faculty, staff, and administration can greatly improve the perception in the students' eyes of the importance of engaging in pro bono.⁵⁶ Additionally, allocation of resources—including office space for a pro bono entity to meet and store items, financial support, and even the dedication of a concrete amount of time from a concrete faculty or staff member—

⁵⁵ Hamilton et al., *supra* note 46.

⁵⁶ Rhode, *supra* note 24, at 2431.

greatly increases the ability of a law school pro bono organization to function effectively.⁵⁷

CONCLUSION

It is no surprise the legal needs and challenges in society continue to grow, and the gap between those needs that are met and those that are unmet also continues to increase.⁵⁸ Law schools can, and should, provide meaningful assistance in helping to bridge those gaps. To do so, however, society—including clients, financial supporters, and external partners—must become more engaged in the process. As clients make efforts to reach out to service providers such as law schools, resources can be matched with the need. As funders identify law schools as vehicles for assisting those in need, money can be dedicated to resources that provide assistance to particular populations. As external partners such as Legal Service Corporations, Community Legal Centers, and other nonprofits partner with law schools to address legal needs, more clients are served in a more comprehensive manner.

One example of the efforts to grow and refine law school pro bono programming can be found in Tennessee. In 2008, the Tennessee Supreme Court unanimously declared access to justice was its number one strategic priority.⁵⁹ In pursuit of this priority, the Court appointed a ten member Access to Justice Commission and tasked the Commission with creating a strategic plan, which was adopted by the Court in 2010.⁶⁰ It is notable the very first of four goals enumerated in the plan seeks “[t]o involve more lawyers *and law students* in meeting legal needs so that the public is better served.”⁶¹ This specific call for greater involvement of law students in addressing unmet legal needs resulted in the creation of an “access to justice coordinator” position at two of Tennessee’s

⁵⁷ *Id.* at 2441.

⁵⁸ *Tennessee Access to Justice Commission Strategic Plan*, TENN. COURTS (2012) http://www.tncourts.gov/sites/default/files/docs/final_atjc_2012_strategic_plan.pdf.

⁵⁹ *Tennessee Access to Justice Commission Strategic Plan*, TENN. COURTS (2010) http://www.tncourts.gov/sites/default/files/docs/final_atj_commission_plan__appendices_2010.pdf.

⁶⁰ *Id.*

⁶¹ *Id.* (emphasis added).

three ABA-accredited law schools.⁶² The role of these coordinators includes expanding and creating opportunities for students to become more involved in pro bono work. Although the efficacy of these positions in increasing student pro bono involvement from a longitudinal standpoint remains to be seen, preliminary data suggests these positions greatly increases the opportunities for, interest in, and actual student involvement.⁶³

But law schools have to step up. If the goal really is greater access to justice, as it must be, legal education has to commit to be a major player in the effort. Not just because it is the right thing to do, but because such a commitment would benefit students, faculty, and the clients they can serve.

⁶² The University of Memphis Cecil C. Humphreys School of Law and the University of Tennessee College of Law are examples of schools that have made such a commitment.

⁶³ Records for the 2010-2011 and 2011-2012 academic years are contained in project records on file with the author. Specifically, during these years, student participation increased by 11%, with a 63% increase in the number of hours recorded.

