

# Law Schools Making a Difference An Examination of Public Service Requirements

Caroline Durham\*

Most Americans have never seen the ignorance, degradation, hunger, sickness, and futility in which many other Americans live. . . . They won't become involved in economic or political change until something brings the seriousness of the situation home to them.<sup>1</sup>

## Introduction

"Equal Justice for All."

A promise made; a promise broken. The problems of the indigent continue to grow, while the creation of new solutions to those problems appears stagnant. Despite the fact that thousands of new lawyers graduate each year, states nationwide are struggling and failing to meet the legal needs of their low-income and other under-represented residents. The cause can be attributed to two facts. First, there is an enormous demand for legal services. At least 80 percent of Americans living slightly above or below the poverty line do not have access to adequate legal services.<sup>2</sup> Second, only one in six attorneys is providing pro bono services.<sup>3</sup> The needs of the impoverished are well documented. The solutions are falling short.

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\* Caroline Durham graduated from Tulane Law School in 1990, the first graduating class in the country with a pro bono curriculum requirement. Upon graduation, she spent three years as National Student organizer for the National Association for Public Interest Law (NAPIL). Currently, she practices family and criminal law in Minnesota, while serving as Career Counselor for the William Mitchell College of Law. Thanks goes to Tulane Law School, Touro College Jacob D. Fuchsberg Law Center, and NAPIL for providing information for this article, and for educating law students about their responsibility to the communities in which they live.

1. Shirley Chisolm, in *LIGHT ONE CANDLE: QUOTES FOR HOPE AND ACTION*, 15 (Arrington Chambliss et al., eds., 1991).

2. Lewis S. Calderon et al., *Mandatory Pro Bono for Law Students: Another Dimension in Legal Education*, 1 J.L. & POL'Y 95, 99 (1993); Jason Adkins et al., *Campaigning for a Law School Pro Bono Requirement*, 1991 NAT'L ASS'N FOR PUB. INTEREST L. 1.

3. Adkins, *supra* note 2, at 1.

Recognizing the tremendous legal need of our communities, law schools across the country have begun to respond to the legal needs of the underrepresented by creating public service graduation requirements. The primary focus of this article will be to examine these programs. Part I will address the characteristics of all existing programs, giving an overview of this creative solution. Part II will examine two model programs, Tulane Law School and Touro College Jacob D. Fuchsberg Law Center. Through an examination of these programs, readers will come to understand the versatility and adaptability of these programs. Additionally, the examination will highlight the benefits gained both by the students participating in the programs and the community served by the programs. Several questions will be answered. What role can public service requirements play in law schools? How can these programs be designed to meet the needs of the community and utilize the resources of the school? What benefits do students gain? What impact do public service requirements have on the community?

### *Part I*

#### *Pro Bono Requirements: A National Response*

I was taught that the world had a lot of problems; that I could struggle and change them; that intellectual and material gifts brought the privilege and responsibility of sharing with others less fortunate; and that service is the rent each of us pays for living—the very purpose of life and not something you do in your spare time or after you have reached your personal goals.<sup>4</sup>

In 1987, a new solution to the problem of meeting the legal needs of the poor was created when Dean John Kramer at Tulane Law School added a twenty-hour public service requirement to the law school curriculum.<sup>5</sup> Implemented first with the graduating class of 1990, this innovative program would change the way students at Tulane viewed their role as lawyers and provide needed services to the community.<sup>6</sup> The impact of the model has gone far beyond the local New Orleans community; twenty other law schools across the country have subsequently adopted public service graduation requirements.<sup>7</sup> In addition to the schools which have adopted

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4. Marion Wright Edelman, in *LIGHT ONE CANDLE: QUOTES FOR HOPE AND ACTION*, *supra* note 1, at 10.

5. Adkins, *supra* note 2, at 4.

6. *Id.*

7. The following schools have adopted a pro bono graduation requirement: City University of New York Law School at Queens College, Columbia Law School, District of Columbia School of Law, Florida State University School of Law, Loyola Law School - Los Angeles, Loyola School of Law - New Orleans, Northeastern University School of Law, Southern Methodist University School of Law, Stetson University School of Law, Touro College Jacob D. Fuchsberg Law Center, Tulane Law School,

public service graduation requirements, thirty-six other law schools have instituted voluntary pro bono programs.<sup>8</sup> Most of the traditional mandatory pro bono programs require students to perform a specific number of hours, ranging from twenty to seventy hours, of community service by working with organizations that provide legal services to the poor or other underrepresented groups and issues. The issues which students address in completing their requirement encompass the broad range of problems confronting our society today: homelessness, hunger, pollution, child abuse, criminal defense, victim advocacy, and civil rights, just to name a few.

The integration of public service into law school curricula has not simply been an imposition of any one program or philosophy on students by the deans and faculty at participating law schools. At several schools, the adoption of public service requirements has been a direct result of organizing and lobbying efforts of law students themselves.<sup>9</sup> Students have stood up and said to their administrations: "We want to be part of the solution." Students recognize the value these programs have.

The following chart lays out the general structure of each program:<sup>10</sup>

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University of Hawaii W.S. Richardson School of Law, University of Louisville School of Law, University of Maryland School of Law, University of Montana School of Law, University of Pennsylvania, University of Puerto Rico School of Law, University of Washington School of Law, Valparaiso University School of Law, Vermont Law School, and Western State University School of Law - Fullerton, CA Campus. *Law School Public Service Graduation Requirements*, NAPIL BRIEFS (Nat'l. Ass'n. For Pub. Interest L., Wash., D.C.), Summer 1993.

8. While many schools have not gone so far as to adopt a public service graduation requirement, many have recognized the importance of providing a structured public service program at the school. The following schools have institutionalized a voluntary public service program: California Western School of Law, University of Cincinnati College of Law, Georgetown University Law Center, Harvard Law School, University of Miami School of Law, University of Mississippi School of Law, University of South Carolina School of Law, Texas Tech University School of Law. In addition to these individual school programs, two states have statewide voluntary public service programs: Minnesota Justice Foundation and Pro Bono Students (P\*B\*S) of New York. *Voluntary Law Student Public Service Programs*, NAPIL BRIEFS (Nat'l. Ass'n. For Pub. Interest L., Wash., D.C.), Summer 1993.

9. The National Association for Public Interest Law (NAPIL) has developed a guide for students interested in lobbying their administration for a public service requirement, *Campaigning for Law School Pro Bono*. Adkins, *supra* note 2. Students at University of Hawaii W.S. Richardson School of Law, Columbia Law School, and Loyola Law School - Los Angeles worked with their administrations to integrate service into their curriculum.

10. *Law School Public Service Graduation Requirements*, *supra* note 7.

School	No. Hours Required	Ways Students Can Fulfill Requirement or Definition of Public Interest Law
Columbia Law School	40 hours	Public interest legal work without compensation or school credit
Florida State University School of Law	20 hours	Uncompensated legal work on behalf of indigent individuals, members of a disadvantaged minority, or victims of discrimination. Work for government agencies is included in this definition.
Loyola Law School, Los Angeles	40 hours	Law-related work.
Northeastern University School of Law	30 hours	Uncompensated legal work; completion of public interest clinical work; completion of a co-op in public interest; or completion of public interest independent study project.
Southern Methodist University School of Law	30 hours <sup>11</sup>	Programs designed through the previously existing voluntary pro bono program.
Stetson University College of Law	10 hours <sup>12</sup>	Work need not be law-related. Project or activity must be approved by the school.
Touro College Jacob D. Fuchsberg Law Center	20 hours	Pro bono includes addressing the legal needs of the poor or traditionally underrepresented.
Tulane Law School	20 hours	Pro bono work is that which is substantially related to the provision of legal services to the poor.
University of Hawaii W.S. Richardson School of Law	60 hours	Law-related public service work before graduation. Work must be unpaid and not for academic credit.
University of Louisville School of Law	30 hours	Public service includes poverty law, civil rights law, public rights law, charitable organization representation, and the administration of justice.
University of Pennsylvania School of Law	70 hours	Public service is defined as unpaid, non-clerical, law-related work for non-profit organizations, public interest law firms, legal aid offices, pro bono projects, or government agencies.
University of Puerto Rico School	Six credit hours	Work with clients in the school's Legal Assistance Clinic, which serves low-income families and children.
University of Washington School of Law	60 hours	Work that is unpaid, law-related and performed under the supervision of an attorney and faculty member. Students must write a paper on their own.

11. SMU School of Law faculty have committed to performing similar pro bono services. *Id.*

12. Faculty at Stetson have also committed to fulfill 10 hours of pro bono service annually. *Id.*

Valparaiso University School of Law	20 hours	Provision of legal assistance to indigent clients.
University of Montana School	N/A	All third years must complete four credit hours of clinical work in one of the school's clinics.

## *Part II: Two Model Programs*

### **Tulane Law School: The Founding Program**

When people think of New Orleans, visions of Mardi Gras, jazz, and dancing on Bourbon Street come to mind. That is the outsider's perspective. For those who grow up and live in the "Big Easy," life is not so easy. An estimated eighty percent of New Orleans' residents live below the poverty level, suffering the pains too common to urban areas.<sup>13</sup> Recognizing the seriousness of the city's problems and the need for legal services to the poor, as well as the resources that could be provided by students, Dean John Kramer instituted a twenty-hour public service requirement, beginning with the graduating class of 1990. Students do not receive academic credit for completing the twenty hour requirement.<sup>14</sup>

In order to fulfill the requirement, students have an option of choosing to work with one of more than twenty organizations in the city and surrounding communities. These organizations work with issues of mental health law, juvenile law, criminal defense, tax law, and environmental law.<sup>15</sup> Students may also choose to participate in one of five clinics housed at the law school. Five of the program options which are consistently the most popular include: Family Law Clinic, AIDS Law of Louisiana, Covenant House Advice Clinic, Consumer/Foreclosure Advice Clinic, and Project for Older Prisoners (POPS).<sup>16</sup>

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13. Julie Jackson, *6,500 Community Service Hours — and Counting!*, TULANE LAWYER, Summer 1991, at 2.

14. *Id.*

15. Tulane students may choose to work with one of the following organizations: Advocacy Center for the Elderly and Disabled; Loyola Death Penalty Resource Center, Federal Public Defenders Office, Homeless Advocacy Project, Housing Section of New Orleans Legal Assistance Corp., Kenner Senior Citizen Legal Clinic, Lawyer for the Day at New Orleans Pro Bono Project, Mental Health Advocacy Service, Metairie Senior Center Legal Clinic, Metropolitan Battered Women's Program, New Orleans Pro Bono Project, Orleans Indigent Defender Program, Plaquemines Parish Indigent Defenders Board, Project SAVE/A.C.C., Public Benefits Section of the New Orleans Legal Assistance Corp, Resettlement & Immigration Services, Sierra Club Legal Defense Fund, and YWCA Rape Crisis Center/Courtroom Advocate. Tulane Law School, *Five Community Service Programs for Fall 1993*, (handout for law students on file with the *Journal of Law & Inequality*).

16. *Id.*

New Orleans is the home to more than eighty percent of the people in the state of Louisiana who are infected with HIV or who have developed AIDS.<sup>17</sup> AIDSLaw of Louisiana is one of the few organizations in the state that provides legal services specifically for the HIV-positive community.<sup>18</sup> Students working with AIDSLaw of Louisiana write living wills, conduct research and write memoranda on issues of employment discrimination, housing discrimination, and insurance problems that HIV-positive people often encounter due to the unwillingness of insurance companies to cover the medical costs of their disease.<sup>19</sup> The students' tasks include client interviewing, "writing research memoranda on new areas of HIV law, fact investigation and legal research for attorneys now litigating AIDS-related cases, and assisting AIDSLaw in implementing a community outreach program so that the needs of women, children and the communities of color may be better served."<sup>20</sup>

Students with an interest in the needs of teenagers can fulfill their requirement through the Covenant House Clinic. Covenant House, located on the edge of the French Quarter, provides emergency shelter, transitional living services, and counseling to runaway and homeless youth under twenty-one years of age.<sup>21</sup> Each semester, twenty-four students work on more than sixty cases at Covenant House, providing legal assistance to residents by visiting the teens at the shelter, where they address issues which include delinquency, employment problems, and child custody matters.<sup>22</sup>

The kids have very serious legal problems with no money, no access to lawyers. . . . [Tulane students] help them easily with issues that seem complicated to them but from a legal standpoint are not difficult to solve. They don't have any idea how to work within the legal system and normally it takes months to get an appointment with Legal Aid only to find out they're not eligible.<sup>23</sup>

The young people who receive assistance might otherwise fall through the cracks of the system.

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17. Telephone Interview with Julie Jackson, Director of Tulane's Public Service Program (Mar. 15, 1994); Tulane Law School, *Five Community Service Programs for Fall 1993*, *supra* note 15.

18. Telephone Interview with Julie Jackson, *supra* note 17; Jackson, *supra* note 13, at 2.

19. Tulane Law School, *Five Community Service Programs for Fall 1993*, *supra* note 15, at 2.

20. *Id.*

21. *Id.* at 3.

22. *Law Students Aid Cov Youth*, DOVE LINE (Covenant House, New Orleans, L.A.), Nov./Dec. 1992, at 1.

23. *Id.*

Another option available to Tulane students with an interest in children is volunteering with the Court Appointed Special Advocates (CASA). More than 1,800 children in New Orleans are wards of the state, removed from their homes because of abuse and neglect.<sup>24</sup> The general focus of CASA volunteers' work is to monitor the cases of children who have been removed from their homes and placed in foster care homes, representing the child's best interest. Students make recommendations to the court about what is in the best interest of that child based on investigations they conduct. These children find themselves thrown into a world of uncertainty and confusion. Without the representation of Tulane students, they might have no voice in court, no voice to speak up for their best interest.

For the poor, the cost of a divorce and related proceedings is prohibitive. Thus, they are forced to remain in unhappy, even unsafe relationships. Through the Family Law Clinic, students provide assistance to low-income individuals on domestic relations issues. Usually, the students work with cases in which the parent is charged with being unfit and the living situation is harmful to the children. Cases are chosen which can best be completed within the twenty-hour requirement. Tasks assigned range from client interviews, research and writing, drafting petitions, and accompanying supervising attorneys and clients to court.<sup>25</sup>

Finally, students may fulfill their requirement through the Consumer Foreclosure Legal Advice Clinic. Clinic clients are often the victims of deceptive loan shark practices or unscrupulous merchants and, as a result, are on the verge of losing their homes or property. Through this clinic, students have uncovered abuses and illegal merchant practices and saved homes from foreclosure. The clinic provides students with training in areas of consumer finance, mortgages, and real estate foreclosures.

The New Orleans Legal Assistance Corporation (NOLAC) plays a significant role in helping to ensure that Tulane students have quality public service experiences.<sup>26</sup> Both the Consumer Foreclosure Legal Advice Clinic and the Family Law Clinic are housed in NOLAC's downtown office. NOLAC's support goes beyond providing shelter for the clinics; it also provides training and close attorney supervision for students. Through training and su-

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24. Jackson, *supra* note 13, at 3.

25. Tulane Law School, *Five Community Service Programs for Fall 1993*, *supra* note 15, at 2.

26. Jeanie Black, *In The Trenches*, TULANE LAWYER, Spring 1991.

pervision, NOLAC ensures that the students know what they are doing, when their work begins, and that their work is quality.<sup>27</sup>

One of the most significant developments in Tulane's program has been the response from attorneys in the community. Now that attorneys are aware of Tulane's public service requirement and the resources it provides, they are calling the school requesting students' assistance with pro bono cases.<sup>28</sup> The word has gotten out to the community about the quality of this program, as well as the need of the community. Rather than simply filtering students out to organizations, organizations are approaching the school saying, "We need this and we want to support it."

Tulane's public service program structure provides a diversity of opportunities from which students can choose, allowing them to match their interest with an appropriate organization. The program's diversity demonstrates the variety of community needs requiring legally focused support. Students are sent the message that issues are not one dimensional. The Tulane model has been replicated across the country.<sup>29</sup>

#### Touro Law School: Adapting a Public Service Requirement to Fit the Needs of Rural Areas

Touro College Jacob D. Fuchsberg Law Center adopted the Tulane model, modifying it to address the needs of their own community. Touro is located in Hunting, New York, a smaller, less metropolitan community than New Orleans. When the dean and faculty at Touro began to discuss the possibility of adopting a public service requirement, they recognized that their community had the need for additional legal services. At the same time, they did not want to overburden the community and agencies in the community who would have to absorb the more than five hundred students doing public service work each year. After considering the challenge of fitting a public service requirement to the needs of their community, they developed a creative solution. Entitled the Public Interest Law Perspective Requirement, students can choose from three program options to satisfy the requirement.<sup>30</sup>

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27. Telephone Interview with Julie Jackson, *supra* note 17.

28. *Id.*

29. Tulane's model has served as the model for most of these programs. The American Bar Association Standing Committee on Lawyers' Public Service Responsibility and the Private Bar Involvement Project adopted the Tulane program as a model for all law schools. Tulane Law School, Community Service Program, 1993-94, (excerpt from the Tulane Law School Catalog, on file with the *Journal of Law & Inequality*).

30. Telephone Interview with Marianne Artusio, Director of the Public Service Program at Touro College Jacob D. Fuchsberg Law Center, (Mar. 15, 1994).

The first option allows students to choose from one of several traditional law school legal clinics, which include: Mental Health Clinic, Social Security/Disability Clinic, Criminal Law Clinic, International Human Rights/Asylum Clinic.<sup>31</sup> Students choosing the clinical option do not receive additional academic credit for their work. The second option requires students to complete a "public interest course which the faculty may in the future designate as satisfying this requirement."<sup>32</sup> To date, two courses have been so designated, "Rights of the Poor" and "Racism & Law."<sup>33</sup> While "Rights of the Poor" was being taught prior to the adoption of the service requirement, "Racism & Law" was designed as a direct result of the adoption of the public service requirement. Both courses are taught in a way that ensures that students gain an understanding of what the legal needs of the underrepresented people in their community are. At the same time, students learn what role they can play in being a part of the solution.

The third option, which is chosen by about forty percent of Touro's students, resembles the Tulane model. Students may complete twenty hours of pro bono work, defined as work that is, "legal in nature, unsalaried and without other compensation, such as academic credit . . . and designed in some way to directly or indirectly address the legal needs of poor persons or of traditionally underrepresented groups."<sup>34</sup> Students choosing this option are connected with Pro\*Bono\*Students (P\*B\*S), a state-wide pro bono program developed at New York University School of Law.<sup>35</sup> P\*B\*S has a database of more than 150 organizations, agencies, and law firms in the state that are doing pro bono work. Through an analysis of the student's areas of interest, availability, and type of work desired, the counselor matches the student to an appropriate organization. The appropriate organization is chosen by matching information from the student with information in the database on the organization's needs. Used by all law schools in the state of New York, P\*B\*S offers an extensive resource for schools wishing to offer a comprehensive public service requirement or extensive volunteer service program.<sup>36</sup>

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31. Touro College Jacob D. Fuchsberg Law Center, Notice to Students: Instructions for Fulfilling the Public Interest Law Perspective Requirement (Aug. 10, 1993) (notice to students, on file with the *Journal of Law & Inequality*).

32. *Id.*

33. *Id.*

34. *Id.*

35. *Voluntary Law Student Public Service Programs*, *supra* note 8, at 2.

36. The following law schools in New York do not have a public service requirement, but use P\*B\*S as a tool for involving students in voluntary pro bono projects: Albany Law School, Brooklyn Law School, Benjamin N. Cardozo School of Law, Cor-

Students wanting to avoid the paperwork required to participate through P\*B\*S may choose to work with the Legal Services Office of Long Island (LSOLI). A branch office of LSOLI housed at the law school provides both convenience and allows students to work directly with the community. Students work with the branch office to provide housing law resources to members of the community immediately surrounding the law school. As with the Tulane program, Touro has built an important team with a local legal services agency, a team which is necessary to the community and to the school.

Touro's program provides an important model for other law schools located in rural, or non-metropolitan, areas. Through thoughtful, creative planning and assessment of community need, Touro is training their students to develop critical legal skills while providing the community with needed services, without overburdening existing community agencies.

## Conclusion

### *Public Service Requirements: A Real Impact?*

You cannot hope to build a better world without improving the individuals. To that end each of us must work for his own improvement, and at the same time share a general responsibility for all humanity, our particular duty being to aid those to whom we think we can be most useful.<sup>37</sup>

The question to be answered with regard to the adoption of public service requirements by law schools is "why?" Do the benefits equal or exceed the time, labor and financial expense necessary to develop and sustain a public service requirement? Is there really an impact for the law school? Do communities truly benefit from these programs? A quick look at the existing programs provides a resounding answer. Yes.

On average, Tulane Law School provides 6,500 hours of pro bono services a year to the greater New Orleans metropolitan area.<sup>38</sup> Covenant House estimates that Tulane students provide \$48,000 each year in legal services to the runaway youths who seek refuge at the shelter.<sup>39</sup> Beyond the increase of legal resources to

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nell Law School, Fordham University School of Law, Hofstra University School of Law, New York Law School, New York University School of Law, Pace University School of Law, St. John's University School of Law, SUNY at Buffalo School of Law, and Syracuse University School of Law.

37. Marie Currie, *in* LIGHT ONE CANDLE: QUOTES FOR HOPE AND ACTION, *supra* note 1, at 13.

38. Jackson, *supra* note 13, at 2.

39. *Law Students Aid Cov Youth*, *supra* note 22.

the community, students also benefit from the programs. While receiving critical legal skills through hands-on training, students work one-on-one with real people on real issues. Students gain an understanding of their responsibility to the community as attorneys, as well as learn how to conduct factual investigations and interviews, and other necessary lawyering skills. A survey of Tulane's class of 1990 found that sixty-five percent said the program had "increased their willingness to provide pro bono services" after graduation and seventy-two percent believed "they gained confidence in their ability to handle cases for indigent clients."<sup>40</sup> Therefore, Tulane is not only changing the way law students learn; they are also training future lawyers who will continue their pro bono commitment.

The challenge for law schools nationwide is to determine what role public service requirements should have in their curricula. What are the legal needs of their community? How will each law school respond to the needs of the homeless, abused children, the needs of thousands of individuals who suffer injustices daily simply because they cannot afford an attorney? Law schools should educate their students about the role attorneys must play in their community and their responsibility to address the community's legal needs. Public service requirements provide a tremendous mechanism for educating students and providing needed services to the underrepresented. Can law schools afford to miss out on the opportunities provided by public service requirements? The results from existing programs say no.

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40. Mary Mouton, *For The Public Good*, TULANIAN, Summer 1991, at 17.

