

Cecil C. Humphreys School of Law
Pro Bono Program
Student and Supervisor Handbook

Career Services Office

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INTRODUCTION

At the heart of the legal profession is the ethical norm that attorneys should pursue equal justice under the law. The University of Memphis Cecil C. Humphreys School of Law (hereinafter “Law School”) commits to instilling this value in its students. Because access to justice is not free, lawyers have an obligation to provide pro bono services to those unable to afford counsel. Rule 6.1 of the Model Rules of Professional Conduct states that “[a] lawyer should aspire to render at least (50) hours of pro bono public legal services per year.” The objective of the Law School’s Pro Bono Program is to nurture this ethical obligation in students.

PRO BONO REQUIREMENT & QUALIFICATIONS

Pro Bono Graduation Requirement

As a condition of graduation, a student entering the Law School in fall 2012 or thereafter must perform forty (40) hours of supervised pro bono work. Students may receive pro bono graduation credit for no more than five (5) hours of pro bono work performed in the first semester of Law School. In order to receive additional credit beginning in the second semester, students must complete 15 hours of coursework, complete the Pro Bono Orientation, and fill out the Pro Bono Registration Form. May graduation candidates must complete all pro bono work by April 1 of their last semester. August graduation candidates must complete all pro bono work by July 1 of their last semester. December graduation candidates must complete all pro bono work by November 1 of their last semester.

Pro Bono Service Defined

Pro bono service is supervised law-related public service that a student provides without compensation or academic credit. Pro bono service may be legal in nature or may be charitable public service that responds to a legal problem. Prior approval is necessary for charitable public service to fulfill this requirement. Some examples of pro bono work that qualify include:

- Unpaid work for a judge;
- Unpaid work for a government entity;
- Unpaid work for a legal aid or public interest organization, e.g., Memphis Area Legal Services Inc., Community Legal Center, Court Appointed Special Advocates Association (CASA);
- Unpaid work for a licensed attorney, law firm, or corporate counsel undertaken on behalf of a low-income individual who does not pay for the students’ work or the work of a lawyer, firm, or corporate counsel for representation; or
- Pre-approved unpaid work for a nonprofit charitable organization that responds to a legal problem, e.g., work for a domestic violence shelter or a defender re-entry program.

Pro Bono Work That Does Not Qualify

Pro bono service undertaken in an externship or legal clinic for academic credit does not fulfill the pro bono requirement. Service that a student performs on pro bono cases while in a paid position does not qualify. Service at a private firm that a student undertakes after completion of a clerkship *does* qualify for pro bono credit, so long as the student receives no compensation for the service and performs the service on a pro bono case or matter.

Student service in a Registered Student Organization (“RSO”) does not count toward the pro bono requirement unless the service is law-related public service. For example, a student will not receive credit for attending an RSO general meeting, but may receive credit for participating in a charitable project that an RSO sponsors, e.g., VITA, Project Homeless Connect.

Commuting, Training, & Observation Time

The hours that a student spends commuting to and from a placement site do not count towards fulfillment of the pro bono requirement. The time that a student spends in training or observing may count towards fulfillment of the pro bono requirement, so long as such time does not exceed 20 percent of the time that the student spends at a particular placement. The time spent in Pro Bono Orientation does not count toward fulfillment of the pro bono requirement.

PROCEDURE FOR RECEIVING PRO BONO CREDIT

A student must comply with the following steps in order to receive pro bono credit:

1. Attend mandatory pro bono orientation and fill out a Pro Bono Registration Form (although a student may receive credit for up to 5 hours of pro bono work during the first semester and before the orientation, so long as the other requirements are met).
2. Find a placement or placements by searching the pre-approved placement list or creating a new project.
 - a. Students needing assistance in finding a placement should meet with the Public Interest Counselor in the Career Services Office.
 - b. For any student-initiated project, the student must first submit a student-initiated project form for pre-approval by the Public Interest Counselor.
3. Find a placement supervisor.
4. Meet with the placement supervisor to go over the assignment, verify that there is no conflict of interest, and advise the supervisor of his or her responsibilities.
5. Perform pro bono work.
6. Ask the supervisor to fill out and submit a Supervisor Certification form to the Public Interest Counselor.

Orientation

All students must attend the Pro Bono Orientation before starting any service beyond the five (5) hours of service allowed during the first semester. The time spent in Pro Bono Orientation does not count towards the forty hour pro bono requirement. The Career Services Office will offer

Pro Bono Orientation every year. During orientation, students will familiarize themselves with procedures necessary for receipt of pro bono credit and attend pro bono training. Upon completion of orientation, students must submit a Pro Bono Registration Form.

Finding a Placement

Students may find placements by 1) searching the Pre-Approved Placements List, or 2) taking advantage of pro bono opportunities publicized in On Legal Grounds, or on Symplicity or its equivalent, or 3) by independently initiating and developing a project suited to their particular interests. If a student initiates a placement, the student must submit a Student-Initiated Project Form and procure pre-approval of the Public Interest Counselor before starting service. If a student is denied, the student can appeal to the Assistant Dean of Career Services. If approval is denied a second time, the student can make a final appeal to the Associate Dean for Academic Affairs.

Each student is ultimately responsible for finding a suitable placement or placements. Students should meet with the Public Interest Counselor to discuss suitable potential public service opportunities.

Students may choose to serve in different placements, but should understand that the best learning experience most likely results from only one or two placements. The student is responsible for contacting the agency offering a placement and to offer his or her services on a volunteer basis. In the event a placement agency asks a student to commit more than forty hours, the student must complete the project and the number of hours of service to which he or she has agreed in order to receive pro bone credit.

Finding a Placement Supervisor

All qualifying pro bono work must be subject to supervision. The student is responsible for finding a placement supervisor. A licensed attorney should supervise law-related pro bono work. A staff member should supervise non-legal work that the student performs and certify the number of hours that the student worked. Law students cannot act as a placement supervisor. Supervisors are responsible for training, assigning tasks, overseeing projects, and evaluating the student's performance.

Initial Placement Meeting

During a student's initial meeting with the placement supervisor, the student and supervisor should discuss the project in detail, establish deadlines, responsibilities, a work schedule, and identify any potential conflicts of interest. Students should ask the supervisor to read the Pro Bono Handbook and agree to fill out a Supervisor Certification Form at the end of the student's service.

Reporting Hours

Students must submit the following forms to the Public Interest Counselor in the Career Services Office:

1. Pro Bono Registration Form, and
2. Supervisor Certification Form.
3. If applicable: Students who initiate a pro bono project must submit a Student-Initiated Project Form before starting service.

The Placement Supervisor or student must submit a Supervisor Certification Form. The student is responsible for assuring that the supervisor has submitted a certification form. Such forms are available under the Pro Bono section of the Career Services website. Such forms are also available in the Career Services Office. Failure to report hours and submit the required forms by the appropriate deadline will result in denial of credit for pro bono hours from the placement agency.

STUDENT & SUPERVISOR RESPONSIBILITIES

Unauthorized Practice of Law

Supervisors and students must understand that law students are not authorized to practice law. Students may not, under any circumstance, provide legal advice, make appearances in court, or otherwise act as an attorney. No organization, program, individual, or client may rely on a student's work product in taking or forbearing legal actions. A student who is concerned that he or she has been asked to engage in the practice of law or is not subject to adequate supervision should contact the Public Interest Counselor immediately.

Professionalism

Students are expected to perform service in a timely and professional manner. This includes dressing in a professional manner, appearing on time, informing the supervisor of student progress in performing assignments, meeting all assigned deadlines and expectations, providing competent service, and treating all individuals with respect. If the supervisor will not certify that the student has met these responsibilities, the student will not receive pro bono credit for the time served.

Confidentiality

While performing pro bono service, students may work on active cases under the supervision of an attorney. Students should remember that this work is protected by the attorney-client privilege and subject to the confidentiality provision of the Rules of Professional Conduct. Students should familiarize themselves with these rules before beginning service.

Conflict of Interest

During the initial placement meeting, students should identify and address any potential conflicts of interest arising from a case or matter. Although unusual, a conflict of interest arises when a student has competing responsibilities to a client, the court, or the student's own interest in remaining ethical. For example, a conflict of interest arises if a student previously represented or worked with a client with an interest adverse to those of a client that the student would represent in the pro bono placement. If questions regarding conflicts of interest should arise, a student should immediately address those concerns with the supervisor and with the Public Interest Counselor.

INTERESTED PRO BONO PARTNERS

Organizations, programs, or individuals interested in having law students volunteer should contact the Public Interest Counselor to discuss the proposed pro bono opportunity.

PRO BONO PROGRAM – FREQUENTLY ASKED QUESTIONS

Q: Briefly, what is the pro bono requirement?

A: Students must perform forty (40) hours of pro bono service in order to graduate from the Law School.

Q: What happens if a student does not meet the forty hour pro bono requirement?

A: If a student does not meet the pro bono requirement, he or she will not be allowed to graduate, and the Law School will not certify him or her for admission to the Bar.

Q: When can a student begin work on the pro bono graduation requirement?

A: Students can perform up to five (5) hours of pro bono work during the first semester of the 1L year. In order to get credit for any additional pro bono hours, students must have completed 15 hours of coursework, attended the Pro Bono Orientation, and sign the Pro Bono Program Pledge.

Q: What are the deadlines for completion of pro bono work?

A: Students graduating in May must complete and report forty hours of service by April 1. Students graduating August must complete and report forty hours of service by June 1. Students graduating in December must complete and report forty hours of service by November 1.

Q: Can a student fulfill the pro bono requirement outside of Memphis?

A: Yes. While most students will probably serve in the Memphis area, students may find placements outside of the area, so long as the placements are on Symplicity or its equivalent, or preapproved. Thus, students can opt to perform pro bono service during the summer or over an academic break.

Q: May a student work at more than one place to satisfy the forty-hour requirement?

A: Yes, however students are encouraged to complete the majority of their hours at a single placement or two placements.

Q: May students perform more than forty hours of pro bono service?

A: Absolutely. Forty hours is only the minimum.

Q: Does service for a faculty member qualify for pro bono hours?

A: Not unless the service is not for academic credit, is uncompensated and qualifies as pro bono work. The Law School encourages faculty to commit time to pro bono work and supervise students' pro bono work. If a faculty member supervises his or her graduate assistant's service, the faculty member must certify that the student's service is in addition to the work performed to satisfy the assistantship. Furthermore, clinic students often keep their cases after the end of a semester and after they have received academic credit. The additional hours count as pro bono hours.

Q: What are some examples of organizations that qualify for pro bono placement?

A: Some examples include: legal aid offices; the Public Defender's Office; the District Attorney's Office; public interest law firms; non-profit organizations; a private firm or attorney performing pro bono work; or government entities or Judges. *See "Pro Bono Service Defined" supra.*

Q: Can students perform pro bono work at their place of employment?

A: A student who gives additional time after completion of employment tasks and who receives no compensation for work on a pro bono case or matter may receive pro bono credit for such work.

Q: How does the placement process work?

A: Students can find placements on the preapproved placement list in the Career Services Office or listed on Symplicity or its equivalent, or find their own placement. A student must obtain preapproval for a student-initiated project.

Q: Whom do I contact with questions or concerns about the Pro Bono Program?

A: Please contact the Public Interest Counselor. The Public Interest Counselor assists students in finding placements and resolving issues they may encounter during a project. The Public Interest Counselor also works with placement supervisors to address their needs and concerns.