

Cecil C. Humphreys School of Law

Pro Bono Program

Student and Supervisor Handbook

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INTRODUCTION

At the heart of the legal profession is the ethical requirement 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 credit beginning in the second semester, all first year law students must complete 15 hours of coursework, attend the Pro Bono Orientation (part of the 1L orientation to Career Services), and complete the Pro Bono Pledge (in Symplicity). May graduation candidates must complete all pro bono work by March 15 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.

Students will report their *pro bono* hours in the Career Services’ Symplicity online platform. Pro bono hours will be independently verified. Students are required to comply with all applicable Honor Code requirements.

Pro Bono Service Defined

Pro bono service is a direct legal service that a student provides without compensation or academic credit. Pro bono service must be supervised by a licensed attorney. 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 on orders of protection or a defender re-entry program that helps re-establish voting rights.

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 an internship *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 a direct legal service. For example, a student will not receive credit for attending an RSO general meeting, but may receive credit for participating in a service project that an RSO sponsors, e.g., Alternative Spring Break with PALS.

Commuting, Training, and Observation Time

The hours that a student spends commuting to and from a placement site do not count toward fulfillment of the pro bono requirement. The time that a student spends in training or observing may count toward 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 complete the Pro Bono Pledge (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. Secure a placement supervisor.
4. Meet with the placement supervisor to review 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 complete 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 toward the forty-hour pro bono requirement. The Career Services Office will offer Pro Bono Orientation every year during its Mandatory Orientation to Career Services and the Pro Bono Requirement. During orientation, students will familiarize themselves with procedures necessary for receipt of pro bono credit. Upon completion of orientation, students must submit a Pro Bono Pledge.

Finding a Placement

Students may find placements by 1) searching the Pre-Approved Placements List, 2) taking advantage of pro bono opportunities publicized in *On Legal Grounds* or on *Symplicity*, 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 several different placements. In fact many students find it valuable to try out various types of law through their pro bono projects. 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 bono credit.

Finding a Placement Supervisor

All qualifying pro bono work must be supervised by a licensed attorney. The student is responsible for finding a placement supervisor. A licensed attorney should supervise law-related pro bono work. 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 make available the Pro Bono Handbook to their supervisor, if needed. The supervisor must fill out a Supervisor Certification

Form at the end of the student's service. It is the student's responsibility to submit the completed form to the Career Services Office.

Reporting Hours

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

1. Pro Bono Pledge (complete in Symplicity, on the screen before you enter your hours)
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. Forms may be submitted in person or via email to the Public Interest Counselor.

STUDENT AND 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, being 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 who 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 student volunteers should contact the Public Interest Counselor to discuss the proposed pro bono opportunity.

FREQUENTLY ASKED QUESTIONS ABOUT THE PRO BONO PROGRAM

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 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 are 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, some students complete the majority of their hours at a single placement, however, they are encouraged to fulfill the requirement with various placements as needed.
- Q: May students perform more than forty hours of pro bono service?
A: Absolutely. Forty hours is only the minimum. Please note, awards are given at graduation for students who exceed these requirements.
- 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, government entities or Judges.
- 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. Pro Bono opportunities are also publicized in the On Legal Grounds blog as well as on class Facebook pages. 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.