

Pro Bono Learning Outcomes
May 2020 draft



Definition of Pro Bono: Work by law students that is: (1) primarily legal, (2) not for pay or credit, (3) supervised by an attorney (before getting licensed), and (4) service to the underserved.

ABA Model Rule 6.1: Voluntary *Pro Bono Publico* Service

Public Service

Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of *pro bono publico* legal services per year. In fulfilling this responsibility, the lawyer should:

- (a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:
- (1) persons of limited means or
 - (2) charitable, religious, civic, community, governmental and educational organizations in matters 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 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.

In addition, a lawyer should voluntarily contribute financial support to organizations that provide legal services to persons of limited means.

Goal: Deep, internalized commitment to continuing *pro bono* service throughout career.

Caveat: Approximately 20% of law schools in the United States have mandatory *pro bono* programs.¹ As such, this rubric is primarily designed to assess the *pro bono* goal stated above in non-mandatory programs. However, we believe that it could be adapted to mandatory programs with minor changes.

Benchmarks:	No Commitment	Low Commitment	Interested/Some Commitment	Commitment	Deep, Internalized Commitment
1. Understands access to justice issues and the importance of, and professional responsibility to provide, <i>pro bono</i> service.	Uninterested in and/or unaware of the ATJ issues and the importance of, and professional responsibility to provide, <i>pro bono</i> service.	Not well-articulated , with little knowledge of ATJ issues and the importance of, and professional responsibility to provide, <i>pro bono</i> service.	Has some knowledge of or interest in the ATJ issues and the importance of, and professional responsibility to provide, <i>pro bono</i> service.	Understanding and concern about the ATJ issues and the importance of, and professional responsibility to provide, <i>pro bono</i> service.	Understands and embraces the professional, societal, and personal benefit to engaging in <i>pro bono</i> service.
2. Understands and practices cultural humility when engaged in <i>pro bono</i> service.	Does not recognize the diversity of <i>pro bono</i> client communities, know about the concept of implicit bias, and is uninterested and/or unaware of cultural humility as an important dimension of <i>pro bono</i> lawyering.	Rarely considers impact of implicit bias on good lawyering practice, resists opportunities to learn that they have bias, and resists learning how to develop a practice of cultural humility.	Often raises issues of implicit bias and expresses curiosity and some understanding of cultural humility as an important part of good <i>pro bono</i> lawyering.	Consistently recognizes similarities and differences with clients when engaged in <i>pro bono</i> service and engages with clients through a cultural humility lens. Engages in training or scholarship focused on how to work effectively with diverse communities.	Habitually considers their own implicit bias and strives to practice cultural humility while engaged in <i>pro bono</i> legal service.

¹ <https://www.whatgreatlawschoolsdo.com/2018/08/pro-bono-service-common-mandatory-requirements/>

<p>3. Concern for, or awareness of, <i>pro bono</i> and access to justice issues and their relationship to the student's law school academic studies (credit-bearing classes, law review activities, clinics, externships, research and writing, etc.).²</p>	<p>Does not consider access to justice or social justice implications of a substantive law topic or discussion.</p>	<p>Rarely considers access to justice or social justice implications of a substantive law topic or discussion.</p>	<p>Often considers access to justice or social justice implications of a substantive law topic or discussion.</p>	<p>Consistently considers access to justice or social justice implications of a substantive law topic or discussion.</p>	<p>Habitually involved in conversations regarding solving access to justice or social justice issues through substantive law discussion or reform measures.</p>
<p>4. Participation in law school non-required <i>pro bono</i> programs or projects.</p>	<p>Student never attends or seldom attends optional* informational sessions about <i>pro bono</i> opportunities in law school.</p>	<p>Student rarely attends optional* informational sessions about <i>pro bono</i> opportunities in law school and rarely signs up for <i>pro bono</i>, signs an optional pro bono pledge, or seeks to get <i>pro bono</i> recognition during law school.</p>	<p>Student sometimes attends optional* informational sessions about <i>pro bono</i> opportunities in law school and sometimes completes optional <i>pro bono</i> service, the pro bono pledge, or achieved recognition during law school.</p>	<p>Student often attends optional* informational sessions about <i>pro bono</i> opportunities in law school and performs quality and consistent <i>pro bono</i> service, exceeds the <i>pro bono</i> pledge, or achieves recognition during law school.</p> <p>Student seeks opportunities early in law school career and demonstrates consistent involvement in <i>pro bono</i> service.</p>	<p>Student consistently attends optional* informational sessions about <i>pro bono</i> opportunities in law school and habitually performs quality and consistent <i>pro bono</i> service, exceeds the <i>pro bono</i> pledge, or achieves recognition during law school.</p> <p>Student seeks opportunities early in law school career, is involved in leading, developing, or implementing relevant organizations or projects and demonstrates consistent involvement.</p>

² This is designed to discover what students are thinking about when not directly connected to a pro bono project.

					Student is habitually involved in optional <i>pro bono</i> projects/service throughout law school. The student looks for ways to create new <i>pro bono</i> opportunities or solve new problems. The student desires to ensure that <i>pro bono</i> service is a meaningful component of his/her work life.
5. Commitment to <i>pro bono</i> engagement beyond graduation.³	Graduate does not understand Rule 6.1 or the lawyer's requirement to provide "access to justice." In the alternative, graduate does not believe that it is the responsibility of the lawyer to provide "access to justice."	Graduate understands Rule 6.1 and the lawyer's responsibility to provide "access to justice" and occasionally responds to an appeal for contribution to an access to justice organization.	Graduate demonstrates deep concern for others through planned actions (such as taking on <i>pro bono</i> cases or initiating contributions to an access to justice organization).	Graduate demonstrates deep concern for others through actions and encourages others to get involved in <i>pro bono</i> or public service opportunities. Graduate may also demonstrate deep care for the client or a client-centered approach to legal representation. This may also be exhibited through an interest in pursuing systemic reform through legislation or litigation.	In addition to demonstrating deep concern for others through actions and encouraging others, graduate articulates the mutual benefits of being continually engaged in <i>pro bono</i> or public service opportunities. Graduate actively seeks opportunities that are within their specialized area and can make a significant impact. Modeling commitment to <i>pro bono</i> service and a concern for access to justice-through mentoring, etc.

³ Graduates who go on to a public interest career are not contemplated by this rubric, as we believe they have a deep, internalized commitment.