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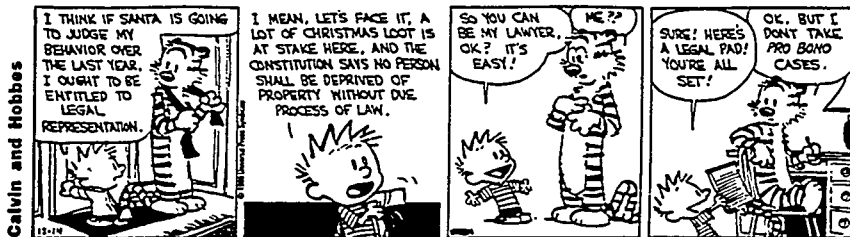
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INSURMOUNTABLE OPPORTUNITIES OR INNOVATIVE CHOICES: THE PRO BONO EXPERIENCE AT THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW

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I. INTRODUCTION

“Pro bono publico”—*Black’s Law Dictionary* defines this Latin phrase as “for the public good.”¹ Pro bono involvement for attorneys can be as simple as spending five minutes giving free legal advice at a homeless shelter or as complicated as breaking new legal ground in civil rights litigation.² The maxim “pro bono publico” should be one of the cornerstones of every attorney’s practice; but it is a phrase often relegated to esoteric discussion or simply ignored rather than put into action. Unfortunately, by shortening the full phrase to just “pro bono,” lawyers have lost the substantive content that is a critical element of the lawyer’s obligation.³

In recent years much has been written on the issue of whether lawyers should have an enforceable obligation to provide pro bono repre-

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1. BLACK’S LAW DICTIONARY 1203 (6th ed. 1990).

2. See Englade, *Today’s Unsung Heroes*, 74 A.B.A. J. 60 (1988); Feder, *Legal Heroes*, 74 A.B.A. J. 66 (1988).

3. C. WOLFRAM, *MODERN LEGAL ETHICS* 949 (1986).

sentation.⁴ Some states have proposed pro bono requirements for lawyers.⁵ These programs are wrought with exceptions, buy-out proposals, and funding difficulties.⁶ Recent court cases have confronted the battle between those who need representation and those who have a monopoly on the legal profession.⁷ Constitutional challenges to this “duty to serve” include use of the just compensation clause of the United States Constitution,⁸ the due process rights of attorneys and clients under the Fifth and Fourteenth Amendments,⁹ equal protection arguments,¹⁰ and contests invoking the First and Thirteen Amendments.¹¹ At a deeper level, the issue turns on the moral basis of pro bono publico work. In rejecting required pro bono service for Florida attorneys, the Florida Supreme Court wrote:

The message to lawyers is thus plainly stated. The proposal before us seeks a mandatory enforcement of these stated ethical considerations. Indeed, we may ask, why all the idealistic talk in the Code of Professional Responsibility without a mandatory enforcement of its provisions? Part of the answer to that question lies within the nature of our free society: We have been loathe to coerce involuntary servitude in all walks of life; we do not forcibly take property without just compensation; we do not mandate acts of charity. We believe that a person’s voluntary service to others has to come from within the soul of that person.¹²

Thus, “mandatory pro bono” is an oxymoron as surely as “deafening silence” or “jumbo shrimp.”¹³ Mandatory pro bono proposals and programs should be bundled under the umbrella “mandatory public service,” and the term “pro bono” should be left for those programs

4. Shapiro, *The Enigma of the Lawyer’s Duty to Serve*, 55 N.Y.U. L. REV. 735 (1980). See generally Christensen, *The Lawyer’s Pro Bono Publico Responsibility*, 1 AM. B. FOUND. RES. J. 1 (1981); Graham, *Mandatory Pro Bono: The Shape of Things to Come?*, 74 A.B.A. J. 62-65 (1987). See also MODEL RULES OF PROFESSIONAL CONDUCT Rule 6.1 (1983).

5. *In re Emergency Delivery of Legal Services to the Poor*, 432 So. 2d 39 (Fla. 1983); Dean, *Voluntary or Mandatory Service?*, N.Y.L.J., May 21, 1990, at 3, col. 1; *Pro Bono Recruits*, 76 A.B.A. J. 25 (1990).

6. See Wechsler, *Attorneys’ Attitudes Toward Mandatory Pro Bono*, 41 SYRACUSE L. REV. 909 (1990).

7. *Mallard v. United States Dist. Court for the So. Dist. of Iowa*, 490 U.S. 296 (1989).

8. Shapiro, *supra* note 4, at 762.

9. U.S. CONST. amends. V & XIV.

10. *Id.* amend. XIV.

11. *Id.* amends. I & XIII; see also *State v. Rush*, 46 N.J. 399, 217 A.2d 441 (1966).

12. *In re Emergency Delivery of Legal Services to the Poor*, 432 So. 2d 39, 41 (Fla. 1983).

13. OXFORD ENGLISH DICTIONARY 20 (2d ed. 1989).

that are purely voluntary in practice. Esther Lardent gives an accurate and comprehensive appraisal of the difficulties confronting a mandatory public service program.¹⁴ I agree with her conclusion that the bar should be committed to make voluntary "pro bono as effective as possible."¹⁵

My purpose in this Article, however, is not to rehash the issue of pro bono obligations for practicing attorneys, but to focus on a different, although related, aspect of pro bono publico: the role of law schools in promoting pro bono service. Little scholarly documentation exists regarding this area of legal education because it only recently has become fashionable for law schools to provide pro bono activities in which students may participate. Therefore, much that I write will be from personal experience directing the University of South Carolina's Voluntary Pro Bono Program.

II. HISTORY AND ORGANIZATION OF THE UNIVERSITY OF SOUTH CAROLINA SCHOOL OF LAW VOLUNTARY PRO BONO PROGRAM

There are threshold questions with which a student must wrestle before she should commit to pro bono or public service involvement in law school. Why get involved? What is the purpose of the program? Is the student merely expanding on a previous clinic or public interest experience or does she want something new? Law student values are as varied as the flavors of ice cream, and it is quite simple to assemble a menu of altruistic goals. However, eventually these goals have to be placed into an existing administrative process.

The University of South Carolina School of Law Pro Bono Program was created in 1990 with a three part purpose: (1) to foster the ethic of professional responsibility; (2) to gain knowledge and skills of lasting professional value; and (3) to assist the less fortunate.¹⁶ These basic goals were formulated as the result of initial informal discussions in the spring of 1989 among the Dean, the Associate Dean for Academic Affairs, and the faculty. Representatives of the law school applied for a South Carolina Bar Foundation grant in order to initiate a volunteer program in the fall of that year. They also decided that the program could be created most expediently under the auspices of the Dean rather than through any faculty process. Using the Dean's authority precluded the necessity of higher university or state commis-

14. Lardent, *Mandatory Pro Bono in Civil Cases: The Wrong Answer to the Right Question*, 49 MD. L. REV. 78 (1990).

15. *Id.* at 102.

16. University of South Carolina School of Law Pro Bono Program Brochure (on file at the University of South Carolina School of Law).

sion approval, an often lengthy and energy-consuming process. In July 1989 the South Carolina Bar Foundation provided a \$35,000 grant to the law school to begin the program.

Once funding was available, the next step was to select and hire a full-time director who would report directly to the Dean. An attorney was hired for the director's position to give the program significant credibility in the legal community and to deal with the inevitable ethical issues that arise when students become involved in helping provide legal services.

The creators of the pro bono program realized that the program needed to strike a proper balance between the students' academic obligations and the amount of time they could devote to community service responsibilities. This is because the primary goal of a comprehensive law education must not be deterred by the desire on the part of the administration or the students to be involved in what may be perceived as more visible and glamorous public service. The administration at the University of South Carolina School of Law Pro Bono Program opted for flexibility and the use of existing community-based volunteer opportunities in order to effectuate a balance between academic pursuits and public service.

The decision to use existing services led to a need to locate programs that provide easy access for law students. A brief survey of the local community revealed that a number of opportunities fit the goals and needs of law student volunteers. For example, the Richland County Volunteer Guardian *ad Litem* Project utilizes trained volunteers to represent abused and neglected children in Family Court and at administrative hearings. The Columbia Office of the Better Business Bureau offers an arbitration program for new automobile consumer complaints, and the South Carolina Bar Pro Bono office always needs assistance in referring pro bono cases that come in from across the state.¹⁷

The pro bono program also struggled with definitional difficulties about what constitutes appropriate pro bono efforts.¹⁸ Should criminal defense, government activities, or nonlegal activities be considered pro bono work appropriate to meet the goals of the program? The administration recognized that it is vital to provide opportunities of interest to the students, for the success of any academic program lies in their hands. The administration also realized that when students operate as a conduit of information, the entire pro bono program gains credibility

17. Pro Bono Program Brochure, *supra* note 16; *Law Students Help Boost Pro Bono Referrals by 25%*, S.C. Bar News, June 1990, at 4, col. 3 (newsletter).

18. Jennings, *Pro Bono Services Should Remain Voluntary*, The State, November 17, 1990, at 8A (letter to editor).

and value. Therefore, a student board comprised of eleven students was established and invited to formulate the goals and primary direction of the pro bono program. After careful discussion, the initial student board decided to adopt a broad definition of “pro bono” so that any volunteer program that met one or more of the three underlying goals—fostering a professional responsibility ethic, gaining knowledge and skill, and assisting the less fortunate—would be pulled under the umbrella of the pro bono program. The purposes of the board have changed little since its inception.

The student board, originally appointed by the Dean from a list of interested volunteers, now selects its membership from those among the student body who demonstrate and express a commitment to serve those in need. Board members are elected by their peers based on their service to one or more of the pro bono programs. Invitations are extended at the end of the first semester to three first-year students and three second-year students who are in good academic standing. These students are asked to serve for the duration of their law school career. At the beginning of each fall semester, three to five second- or third-year students are added to the board. This entire process is repeated at the end of each academic year. To the best of my knowledge, the University of South Carolina program is the only organized and funded pro bono program that encourages and allows participation throughout a student’s law school career and does not limit involvement to the final two years. Needless to say, as the number of programs increase, this assumption could be out of date as soon as it is published.

Members of the pro bono board serve as recruiters of volunteers for the different programs and as spokespersons for the school on issues relating to pro bono involvement. Board members meet monthly to discuss future projects, finalize plans regarding existing programs, deliver appeals for assistance as required, and generally to collect information to pass on to their fellow students. In addition, all board members function as volunteers for providing a variety of services to such community services as Better Business Bureau-Autoline Arbitration; Big Brother/Big Sister; environmental law research for pro bono attorneys; guardian *ad litem*; Habitat for Humanity; literacy tutoring for parolees; Public Interest Law Society; Sistercare, a battered women’s shelter; legal clinics; the South Carolina Bar Pro Bono Program; South Carolina Legal Services; VITA-tax preparation; juvenile rights and responsibilities classes for the South Carolina Department of Youth Services; Cities in Schools; and the Richland County Public Defender’s Office.

The board also selects new pro bono programs. Interest typically is generated either as a consequence of an inquiry from an organization, or after the personal involvement of a student in a civic activity. For example, in 1990 a student brought the need for a literacy tutoring

program to the attention of the board. Then, in 1991, the director of the pro bono program was approached by the Greater Columbia Literacy Council about establishing a model program in conjunction with the South Carolina Department of Probation, Pardons and Paroles. The board discussed procedures that could be used to provide volunteer services, whether students would be interested in the project, and, most importantly, whether the project would meet the goals of the pro bono program. Thus, the board decided to expand the student interest in literacy tutoring into this unique area.¹⁹

One of the most important functions board members perform is providing information to the director on the achievements of the student volunteers. Many students give tirelessly of their time and energy without fanfare. Personal triumph and minimal public recognition often are the only rewards a volunteer receives. Many continue to volunteer "from the heart," but human nature appreciates public recognition of deserving actions. This recognition can be as simple as a brief note from the Dean or a quick word of congratulations in passing, or as significant as being named the Volunteer of the Year.²⁰

III. PROSPECTS FOR THE FUTURE

I am often asked about the prospects for the future of the pro bono program. This Article has forced me to consider issues such as continued growth, additional staff, and innovative methods of highlighting the efforts of the students. I recently have sought the advice and counsel of regional and national volunteer administration organizations to assist in developing a future plan.²¹ Preventing "burnout" is a never-ending consideration. As the 1991 school season begins, the board has set its eyes on increasing student involvement, documenting the history and success of the program, expanding services within the existing framework, and increasing activities with alumni. Qualitative evaluation of our program is another area for future development. Currently, evaluation of the pro bono program is accomplished through informal means, including discussions with student leaders, faculty members, and directors of the volunteer organizations. With each entering class the challenges are repeated.

19. Board Minutes of August 26, 1991 (on file at the University of South Carolina School of Law).

20. Letter from President George Bush to the volunteers and staff of the University of South Carolina School of Law Pro Bono Program (May 1, 1991) (naming the pro bono program as the 444th "Daily Point of Light").

21. The Association for Volunteer Administration and South Carolina Association for Volunteer Administration provide excellent support through meetings, newsletters, and volunteer contacts.

IV. STUDENT PRACTICE RULES

It goes without saying that law students cannot practice law except under very strict regulation.²² Supervision by an attorney is a key

22. S.C. APP. CT. R. 401 provides:

(a) An eligible law student may appear in any inferior court or before any administrative tribunal on behalf of any indigent person, with that person's written consent, or on behalf of the State or any of its departments, agencies, institutions, or political subdivisions, with the written approval of the Attorney General. The consent or approval shall be filed in the record of the case and shall be brought to the attention of the judge or presiding officer. In all cases, a supervising lawyer is required to be personally present throughout the proceeding.

(c) In order to make an appearance pursuant to this Rule, a law student must:

- (1) be enrolled in the University of South Carolina School of Law;
- (2) have completed the equivalent of four (4) semesters of legal studies;

(3) be certified by the Dean of the School of Law as being of good character and competent legal ability, and as having adequate training to perform as a legal intern. The certification shall be filed with the Clerk of the Supreme Court and shall remain in effect for eighteen (18) months or until the announcement of the results of the first Bar examination following the student's graduation, whichever is earlier. The certification of students who pass the Bar examination shall remain in effect until they are admitted to the Bar. The certification may be withdrawn by the Dean at any time upon written notice to the Clerk or may be terminated by the Supreme Court without notice or hearing and without any showing of cause;

(4) neither ask for nor receive any compensation or remuneration of any kind for services performed pursuant to this Rule; and

(5) certify in writing that the student is familiar with, and will be governed by, the Rules of Professional Conduct adopted by the Supreme Court. Any student who violates the Rules of Professional Conduct or fails to abide by the conditions of this Rule shall be subject to disciplinary action by the Supreme Court.

(d) The supervising lawyer shall be approved by the Dean of the School of Law and shall assume personal professional responsibility for the student's guidance and for supervising the quality of the student's work.

"Law clerks" are defined as "clerical personnel employed by an attorney but not yet admitted to the bar." Annotation, *Activities of Law Clerks as Illegal Practice of Law*, 13 A.L.R.3d 1137, 1137 (1967). Law students frequently fall under this definition. Law clerks are limited to preparatory and ministerial work such as research, investigation, data assembly, and work that would enable the attorney to carry a matter to a conclusion by his own examination, approval, or effort. *Id.* Needless to say, I found the headline in the April 16, 1990, Boston Globe reading "Harvard law students endorse free legal work" inappropriate. See Canellos, *Harvard Law Students Endorse Free Legal Work*, Boston Globe, Apr. 16, 1990, at 15. Law students are not lawyers, and although they can provide hundreds of hours of legal assistance to the poor, without supervision they cannot and

element.²³ In South Carolina, the practice of law includes conveyancing, preparation of legal instruments of all kinds, and in general all advice to clients, and all actions for them in matters connected with the law.²⁴ The South Carolina Supreme Court has stated:

The reason preparation of documents by lay persons must be held to constitute the unauthorized practice of law is not for the economic protection of the legal profession. Rather, it is for the protection of the public from the potentially severe economic and emotional consequences which may flow from erroneous advice given by persons untrained in the law.²⁵

Because it is important to encourage a sense of future duty within the legal profession, complaints that law students are practicing law without a license must be avoided.

V. MANDATORY VERSUS VOLUNTARY PROGRAMS

Mandatory community service as a requirement for graduation was not considered when the pro bono program was being developed at the University of South Carolina School of Law. But hardly a week goes by that I do not discuss the pluses and minuses of volunteerism with other law school administrators or students. These such discussions always begin with the question: What do you honestly want to accomplish with your program? Possible answers include: (1) nothing, (2) an expanded clinic program, (3) public service hours required for graduation, or (4) a purely voluntary pro bono involvement.

"Law Students for Pro Bono," a recently-formed student organization at the national level, advocates a mandatory pro bono requirement at law schools.²⁶ The National Association for Public Interest Law (NAPIL) also promotes this idea in its 1990 Board resolution,²⁷ with the announced purpose of placing a mandatory pro bono requirement in every law school.²⁸ However, just because a small, vocal group of students favors one particular type of program or volunteer activity does not mean that the entire student body will embrace it with open arms. Not all law students feel compelled to help the needy. Some dis-

should not be practicing law.

23. *Ferris v. Snively*, 172 Wash. 167, 19 P.2d 942 (1933).

24. *State v. Wells*, 191 S.C. 468, 5 S.E.2d 181 (1939); *In re Duncan*, 83 S.C. 296, 289, 65 S.E.2d 210, 211 (1909).

25. *State v. Buyer Serv.*, 292 S.C. 426, 431, 357 S.E.2d 15, 18 (1987).

26. *Students from 101 law schools*, *Chronicle of Higher Education*, Oct. 31, 1990, at A35.

27. See J. ADKINS, S. DONZIGER & M. NICELY, *CAMPAIGNING FOR A LAW SCHOOL PRO BONO REQUIREMENT* (published under the auspices of NAPIL).

28. *Id.*

cern that requiring students to have a “sense of duty” imposes a moral code²⁹ and infringes upon the student’s liberty.³⁰

In 1990 the Washington Legal Foundation assembled a summary reaction to the surge of public interest law activism.³¹ The Foundation concluded:

Those who suffer the most from these politically-driven programs, however, are those whom they are intended to aid—the poor. Most of the benefits of these ‘public interest programs,’ now go to large activist organizations promoting specific agendas such as the environment, women’s rights, consumerism, and socialized medicine, while truly needy and underrepresented individuals go without services.³²

The authors placed the blame for this perceived erroneous focus squarely in the lap of “a broader practice of politically biased classroom and clinical legal indoctrination.”³³ As with many surveys, it should be noted that this one was extremely selective in whom it surveyed. Interestingly, the survey included a synopsis of existing mandatory “pro bono” programs, but failed to mention voluntary efforts. The survey is useful, however, to understand how one segment of the legal profession views public interest work.

In 1987 Tulane Law School was the first law school to announce a mandatory community service program with a goal of serving the disadvantaged through skill and knowledge received in the classroom.³⁴ This announcement precipitated a flurry of activity. Other schools adopted similar goals and installed mandatory public service in the second and third year of law school as a graduation requirement.³⁵ Many other law schools are discussing the pros and cons on the student and the administrative levels.³⁶ NAPIL provides a clearinghouse

29. Kornhauser, *Mandatory Pro Bono Sought for Law Schools*, *Legal Times*, Oct. 29, 1990, at 6; Rheinstein, *Pro Bono Cons*, 18 *STUDENT LAWYER* 3 (1990) (letter to editor).

30. McManus, *Legal Times*, Nov. 26, 1990, at 20 (letter to editor).

31. WASHINGTON LEGAL FOUNDATION, *LEGAL STUDIES DIVISION, IN WHOSE INTEREST? PUBLIC INTEREST LAW ACTIVISM IN THE LAW SCHOOLS* (1990).

32. *Id.* at 58.

33. *Id.*

34. Clayton, *Mandatory Pro Bono Service for Law Students*, reprinted in *Program for Realizing the Professional Ideal of Service: Responsibilities and Possibilities* (AALS Mini-Workshop held Jan. 3, 1991 in Washington, D.C.) (discussing creation of programs at Tulane and initial problems).

35. *Id.* at 18. Other law schools that have mandatory programs include Florida State University, University of Pennsylvania, and Valpariso University. Sterbenz, *Mandatory Charity on Campus*, *Legal Times*, April 29, 1991, at 22.

36. Deeb & Botterud, *Pro Bono Requirements: Two Students’ Views*, *The NAPIL Connection*, March 1991 at 1, col. 2; Harold, *Shouldn’t There Be a Response to Mandatory Law School Pro Bono Other Than “Do I Have To?”*, 18 *STUDENT LAWYER* 11 (1990).

of information on the status of public interest in law schools that includes data on pro bono programs and community service requirements. Furthermore, Jerry Coleman, who is associated with the Pro Bono Project at Columbia Law School, has compiled a list of pro bono programs that includes NYU's recently adopted voluntary program.³⁷ His survey serves as a practical guide to those interested in obtaining information on the formation of a program. One interesting fact is that only Stetson University has applied the mandatory element of its program to the faculty as well as the students.

Many factors must be considered when determining the style of program that fits a school's needs. Administrators should keep in mind hostile or negative feelings among the student body, the faculty, and the alumni. The reputation of a law school and the support of its alumni are vital components of pro bono program development, especially in financial matters. It is important to ask the following questions: How receptive will law students be to a mandatory requirement?³⁸ Is there adequate support from the local legal community, the faculty, and administration?³⁹ Have you underestimated the opportunities available for your law students? Will the program be available to all students? What impact will a mandatory program have on students with financial hardships? What do you do with part-time students and students on academic probation? What constitutes the unauthorized practice of law in your state? Do you have a specific student practice rule? Do you have the support of your local bar? And, how much will the program cost?

Funding is an important aspect of any program. Not everyone will be as lucky as Fordham University School of Law which received \$1,000,000 contribution to support public service activities by students.⁴⁰ The cost of a mandatory program has ranged from \$100,000 for Tulane's 750 students to \$500,000 for Maryland's comprehensive public interest curriculum.⁴¹ The University of South Carolina pro bono program's initial \$30,000 IOLTA grant from the South Carolina Bar Foundation was increased in 1990 to \$40,000. But because the Foundation also is a principal source of funding for South Carolina Legal Services, any large amount directed toward a mandatory law school program could cut into the dollars destined for direct legal representa-

37. Draft of survey materials compiled by Jerry Coleman, Columbia University School of Law Pro Bono Project (Aug. 1991) (available from author).

38. Kornhauser, *supra* note 29.

39. Myers, *Students Try to Press the Issue of Mandatory Pro Bono Work*, Nat'l L.J., Feb. 18, 1991, at 4, col. 3; Herzig, *Pro Bono Without Carrot or Stick*, NAPIL Connection, Sept. 1990, at 8.

40. Myers, Nat'l L.J., Nov. 19, 1990, at 4, col. 4.

41. *Id.*

tion. Not enough money and not enough lawyers willing to serve the legally disadvantaged—these are the cries of woe we hear every day. Money often is the key factor confronting the lack of legal services.⁴² For its dollars, the University of South Carolina's pro bono program is getting the most for its money.

Another consideration is the mechanism for statistical control that must be implemented when a student's graduation depends upon completion of a community service requirement. This adds to the cost of the mandatory program. Keeping track of hours served can be accomplished either by an honor system or a time card. Problems can arise with either method. Students who do not want to perform community service work will find a way to cheat the system. I often pose the following question to the directors of the different programs with whom we have contact: Would you want a student to work for you who chose your program because he thought it was the one least likely to cut into his free time? Or because he heard that it was an easy way to get his community service requirement? Universally, the answer reflects a desire for one committed volunteer who seriously wants to help over ten reluctant individuals who only clutter up the system.

Advocates of mandatory public service in law schools espouse three beliefs: (1) the legal needs of the poor can be addressed by law students; (2) mandatory public service will create a habit of serving, especially for those students who are not exposed to the legal problems of society; and (3) pro bono activity should be on a par with other required courses.

A mandatory community service program will not resolve issues one and two. Law students cannot solve the problem of the unmet legal needs of the poor.⁴³ A legitimate, well-organized program with personal incentives and student input can yield amazingly good results, however, and can make a difference in the lives of some who are in need.

Also, it is doubtful that the legal needs of society could be met by requiring practicing attorneys to provide services under some form of mandatory program. Ours is an adversarial system in a society that is ever changing. We cannot stop the world, solve its problems, and then restart. We must deal with the legal needs of the poor with a concerted effort—from the government, society, individuals, as well as organized bar associations and law schools. Fortunately, most people enter law school with a desire to help people.⁴⁴ Their attitudes and values may be challenged, probed, questioned, and attacked, but they do not

42. Wizner, *What is a Law School?*, 38 EMORY L.J. 700, 706 (1989).

43. D'Alemberte, *Realization of Ideals is Urged*, Nat'l L.J., Aug. 12, 1991, at 21, col.

4.

44. See generally R. STOVER, *MAKING IT AND BREAKING IT* (H. Erlanger ed. 1989).

change easily. A wide variety of volunteer opportunities coupled with an ease of enlistment can ensure a step toward achieving the goals of a law school pro bono program. A number of intangible results grow out of such a program.⁴⁵ The law school community starts to emerge, cooperative efforts begin to take place, competition becomes more intelligent and less emotionally based, and generally each class graduates with a sense of good will.⁴⁶

Often the most vocal of advocates of mandatory law school community service hail from large cities where significant social problems are conspicuously evident.⁴⁷ Any person qualified to enter law school must be aware, at least to some degree, of the legal needs of society and especially of the poor, the homeless, the uneducated, the victimized. Yet there are students who resent being compelled to help those less fortunate. Is it not counterproductive to force these law students to serve people for whom they have no sensitivity?

Shaping the specific program for each law school is another interesting challenge. In my mind mandatory community service requirements should be fully integrated into any existing clinical program of a law school so that professional staff can deal with representation of clients and student practice rules. A mandatory clinic requirement in a law school certainly would be expensive, but would be of tremendous benefit to the community and to the students. This is a subject that demands further exploration in future writings.

It is vitally important to the future of any pro bono program that the administration be flexible. Being in tune with the interests of the student body is as critical as being aware of the legal needs of the community. The University of South Carolina advocates an approach that is not novel or innovative. Simply stated—send a message that volunteer work is worthwhile to society, will provide opportunities to expand skills, and will enhance personal growth. Make it easy to volunteer and law students will beat a path to your door.⁴⁸

45. Barlow Christensen referred to the lawyer's public interest obligation as "a matter of personal conscience and aspiration." Christensen, *The Lawyer's Pro Bono Publico Responsibility*, 1 AM. B. FOUND. RESEARCH J. 1, 7 (1981). Should it be any different for law students? Personal satisfaction often is cited by volunteers as the reason they become involved. Should we rob law students of this pleasure just because they choose to spend a few hours volunteering in an effort to alleviate the legal needs of the poor?

46. Deeb, *Voluntary Programs More Effective in Helping the Needy*, The NAPIL Connection March 1991, at 1 (discussing benefits of voluntary pro bono program at University of South Carolina); Jennings, *supra* note 18 (discussing hazards of mandatory pro bono programs).

47. See Kornhauser, *supra* note 29.

48. Hill, *Pro Bono: Model Volunteer Program Provides Law Students Doorway into Real World*, The Carolinian, June 1990, at 5; Markoff, 'Gentle Persuasion' Plan in S.C. Draws Praise from the Students, Nat'l L.J., Nov. 13, 1989, at 4, col. 3.

VI. CONCLUSION

One must try to understand why students choose to be a part of a pro bono program. If given a choice, law students will get involved because they genuinely desire to help the disadvantaged. But all students do not view the disadvantaged through the same eyes. Society reflects a broad spectrum of values and beliefs, and law school is but a slice of society.⁴⁹ Students arrive in the fall with some preconceived ideas about justice, fair play, the legal profession, their personal goals, and their role in the entire scheme of things. It is a time ripe with opportunity for the well-organized, committed volunteer program to tap this idealism and enthusiasm. The next three years should be spent illustrating the value of pro bono work and its vital role in the profession. In other words, law schools should endeavor to build a professional pro bono habit by demonstration, not by force.

More experienced students are able to articulate what volunteering at law school has meant to them. Peer pressure and reputation are extremely positive motivators that can be used to foster this sense of professionalism. Student volunteers can address the issues of time constraints, family pressures, and financial concerns from a point of view that has bearing and significance. Not a week goes by that students do not stop me in the hall to tell me how much they are enjoying their volunteer work and that it has given them a better perspective about their studies.

How is the success of a program measured? Quantitative evaluations of most programs often are valid critiques of success, but nowhere are they less important than when evaluating volunteers. Quantitative statistics can place too much emphasis on the number of clients served, students enrolled, and hours involved. The vast quantity of those in need of legal representation and the number of hours of legal representation students can provide are commonly used statistics; but is it necessary to spend time justifying a program with numbers? Effective assistance, positive experience, personal growth, good public relations, and educational value can be documented and should be among the desired goals of any community service project. This sort of subjective evaluation process is more important than objective data.

Volunteer organizations need people they can rely on for consistent and conscientious work. I realize that some students would not

49. Stephen Wizner has defined a law school as "a professional school for the education and training of lawyers. If we know what lawyers do—or ought to do—we should be able to design a curriculum that will prepare law students to carry out that professional role in a competent, ethical, socially responsible manner." Wizner, *What is a Law School?*, 38 EMORY L.J. 701, 701 (1989).

perform any community service work unless they were forced to, but as the administrator I consider these individuals my greatest challenge. It is the job of the board, the law school administration, faculty, and director to demonstrate the value of volunteering to all students. To achieve this aim, the pro bono program sponsored a forum entitled "Pro Bono Involvement from a Personal Perspective" during the 1991 University of South Carolina Law Week. Panelists included a master-in-equity, a county public defender, a sole practitioner, an attorney with state government, and a corporate attorney. As the panelists presented their views I followed a common thread throughout their individual comments. Attorney pro bono work was second nature to them. They never hesitated when asked to serve. Pro bono was an integral part of their practice. When it came to advice to the law students, the public defender summed it up best when he said, "[D]o pro bono work from your heart."

When creating a pro bono program, a law school administration can adopt the attitude of noted pessimist Pogo, who sighed, "We are confronted with insurmountable opportunities."⁵⁰ Or it can heed the words of Calvin Coolidge, who stated: "No person was ever honored for what he received; honor has been the reward for what he gave."⁵¹

50. Reprinted in E. MURPHY, 2,715 ONE-LINE QUOTATIONS FOR SPEAKERS, WRITERS AND RACONTEURS 148 (1981).

51. *Id.* at 93.