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Jeffrey E. Lewis
Dean Emeritus and Professor of Law
Chair, ABA Standards Review Committee
Saint Louis University School of Law
3700 Lindell Blvd
St. Louis, Mo 63108

Re: Chapter 3, Standard 302(b)
Law Student Pro Bono

Dear Professor Lewis,

I am writing in support of a proposal to change ABA Accreditation Standard 302(b) require that law students perform at least 50 hours of pro bono service during law school. Also, I recommend that the ABA Standards require that law schools provide the necessary training for students to competently perform such pro bono work and that law schools be required to collect data concerning the pro bono work of law students.

As you know, the New York Court of Appeal has adopted a rule, effective January 1, 2015, that admission to the New York bar will require an applicant having completed 50 hours of pro bono service. This is to be applauded: pro bono work helps to meet the enormous unmet demand for legal services, provides law students valuable legal training, and hopefully instills a lifelong habit of public service.

Many law schools already strongly encourage pro bono work by law students and some require it. Pro bono work by law students serves many purposes. It helps to provide legal services to those who cannot afford them. Each year, New York admits 10,000 new lawyers. Requiring 50 hours of pro bono work from each provides as much as 500,000 hours of additional legal services. As Chief Judge Lippman noted, "If every state in the country were to join us in taking up this mantle, that would mean at least two and a half million hours of additional pro bono work—what a positive impact on persons of limited means, communities and organizations that would gain from this infusion of pro bono work."

Additionally, pro bono work provides students essential training. There is no other way to learn to practice law except to do it. It is unthinkable that medical schools would graduate medical students who had never seen patients. Yet, most law students graduate without ever having met a client. Pro bono work under the supervision of a lawyer provides important practical experience.

The hope, too, is that having begun doing pro bono work in law school will increase the likelihood that the students will do so throughout their careers as attorneys. Having seen the great rewards of such efforts, makes it all the more likely that we will be training a generation of lawyers with a greater commitment to doing such work.

Critics have said the pro bono requirement is too onerous for law students. This objection is meritless. At the University of California, Irvine School of Law all second and third year students are expected to do at least 50 hours of pro bono work per year. Ninety-eight percent of the class that graduated last May participated in our pro bono program and they averaged over 100 hours of pro bono work each. This was in addition to their participating in a legal clinic, which is required for graduation at UCI Law School. Last year, 90% of the first year class did pro bono work despite the demands inherent to the first year of legal study.

Critics have also said that law students are not competent to perform pro bono work. This, too, is wrong. Our students successfully represented low-income individuals who could not afford legal assistance, such as an Iraqi refugee in immigration court and foster families in administrative hearings. Students spent their winter vacations in Mississippi working on reopening schools and obtaining housing for hurricane and oil spill victims. In our clinics, students litigated and won cases in the federal court of appeals and in many other tribunals, and they negotiated deals to protect impoverished communities. With supervision, law students can do extraordinarily high-quality legal work.

My hope is that other states will follow New York's example and adopt a pro bono requirement for admission to the bar. But the ABA and law schools should not wait for this. I urge the ABA to modify its accreditation rules so that law schools will require pro bono work of their students. At the very least, the ABA should mandate that law schools be required to track and report on the pro bono work of their students.

Please don't hesitate to let me know if I can be of assistance in any way.

Sincerely,



Erwin Chemerinsky