

1995

# Why Pro Bono in Law Schools

Howard Lesnick

Follow this and additional works at: <http://scholarship.law.umn.edu/lawineq>

---

## Recommended Citation

Howard Lesnick, *Why Pro Bono in Law Schools*, 13 LAW & INEQ 25 (1995).  
Available at: <http://scholarship.law.umn.edu/lawineq/vol13/iss1/2>

*Law & Inequality: A Journal of Theory and Practice* is published by the  
University of Minnesota Libraries Publishing.

## Why Pro Bono in Law Schools

Howard Lesnick\*

My assigned topic is “Why pro bono in law schools.” I have to start by saying what my idea of a law school pro bono program is, to give you one view of what purposes a mandatory program should serve. In doing that, I do not mean to say that there are not other approaches, and I am not going to try to prove to you that my conception of the program is the best. The approach that I prefer reflects the fact that I am a teacher, a teacher of professional responsibility. I think of the program as serving primarily educational goals, although it can serve other goals as well. I can explain what I mean by attempting to articulate the premises that underlay my coming to think that mandatory pro bono in law school is a good idea.

### I. Premises

I start with the premise that the professional ideal is that a lawyer should devote some significant part of his or her practice to unpaid public service. Now, I have always thought that this principle was uncontroversial, but it obviously is not. To be sure, the amendment to Model Rule 6.1, codifying this tenet, is framed as an aspiration, rather than as a legally enforceable obligation.<sup>1</sup> To me, the fact that it is “merely” an aspiration does not mean that it is not there, although as we all know, in today’s positivist world, to many people the fact that nothing bad will happen to you if you do not pay any attention to an aspiration means that it does not really exist.

I reject that view for reasons that go to the heart of my notion of what it means to be morally obligated: my point of departure is the idea that we are obliged to aspire; that, if you will, there is a rule that says there are things we have to do that go beyond what the rules say we have to do. That idea is involved with far more than being a lawyer, and it is an idea that is deeply controversial, but for me it is fundamental. You may reject that point of depart-

---

\* Jefferson B. Fordham Professor, University of Pennsylvania Law School. As will be apparent from the colloquial tone of what follows, this essay is a lightly edited transcript of an informal talk.

1. MODEL RULES OF PROFESSIONAL CONDUCT Rule 6.1 (1993).

ture, but please recognize that you are making a critical decision in doing that; you are not simply articulating a corollary to the fact that the rule is stated as an aspiration.

My second premise is a dual one: first, the professional ideal of service is embedded in the very notion of a profession. Second, my perception is that, as a profession, we have so far failed to realize that aspiration as to make of it a mockery. It is not simply a matter of our falling short, for inevitably we fall short of our highest aspirations. It is that the reality is so much below the aspiration that it is a reproach to us as professionals and as teachers who invite, seduce, entice students to enter it.

This second premise also appears self-evident, but I cannot take it for granted. Let me read to you the opening two sentences of an article on mandatory pro bono by Jonathan Macey, an academic oriented to free-market, law-and-economics analysis. His essay begins with these words:

Lawyers have served indigent clients and worthwhile causes without pay for centuries. Unfortunately, this laudable position of public service has not done much for the legal profession's overall reputation, which continues to languish.<sup>2</sup>

When I read sentences like these, I wonder whether Macey and I are living in the same world. To describe our experience with respect to service, particularly to indigent clients, as something "lawyers" have done for centuries, and to suggest that the harm is that our reputation is not all that it deserves to be, is to suggest to me serious distortions of what ought to be our priorities. It would be rash of me to think that, with a couple of statistical citations, I could "prove" the empirical basis of my belief to the satisfaction of any Maceyite in the room. So let me go on simply with the acknowledgment that, again, my point of departure is as I have said.

My third premise is also a dual one: first, part of our job as teachers is to teach students what it means to be a responsible lawyer. It is important for us to recognize that, whether we desire to or not, teachers convey to our students an idea of the meaning of professional responsibility.<sup>3</sup> To me, as I have said, a responsible lawyer genuinely aspires to devote some of his or her time to unpaid public service.

---

2. Jonathan R. Macey, *Mandatory Pro Bono: Comfort For The Poor or Welfare For The Rich?*, 77 CORNELL L. REV. 1115 (1992).

3. I have briefly developed the distinction between teaching students the meaning of responsibility and telling them that they *should* be responsible lawyers, in *The Integration of Responsibility and Values: Legal Education in an Alternative Consciousness of Law and Lawyering*, 10 NOVA L.J. 633, 641-44 (1986).

Second, I believe we need to recognize that, especially in recent years, students are beset by a perception that makes it extremely difficult for this concept of professionalism to seem real to them. The prevalent mindset is that if you do not keep your eye totally on the ball, it will hit you in the face; if you do not devote all of your energy to staying afloat, you will sink. The thought is that as a student, I have to devote all of my time and effort to keeping my grades and reputation as high as possible, or I will simply not get a desirable job, a decent job, or a job at all. I think that you all recognize that syndrome.

All the talk about billable hours in the profession, more added nearly every year, reinforces the notion that, if you ever stop to take a breath, someone is going to push you under. "Don't look back, someone may be gaining on you." The collapse of what we had thought, perhaps, would be an endless bull market for entry-level jobs has made this syndrome even more powerful. The thought that if I have to take a few hours out of my year to do something other than advancing my career, I will soon be reduced to picking up shells on the beach, is a real barrier to students developing their own priorities, and developing as well some sense of satisfaction in their work.

Now I believe, and I am willing to say this, that the fact is, whether you are a student or a practitioner, you *can* do it; you can devote a modest amount of time to unpaid public service and still rise in your profession, whether as a student or in practice. We are not talking about taking on cases that are going to tie you up for months, but what is, in reality, a very small part of your time. For many students, this is a fact that can only be learned through experience. It is not improperly paternalistic, or elitist, or any of those other sinful things, to say that our experience as teachers has given us confidence that this will largely be true, and that part of what students need to learn is that it is possible that their fears are exaggerated. So, one function that this program serves is to reassure students while they are in law school that they can spend some time doing something other than getting ahead, without falling behind.

I am willing further to say that for many students the experience of doing unpaid legal work will be not only something that they can do without harming themselves, but will turn out to be a positive experience. So, my fourth premise goes something like this: being of service to others, although it is an obligation, is an opportunity and not a burden. All this talk, for example, about the Thirteenth Amendment, which, as you know, some lawyers think is

seriously implicated by the enforcement of pro bono obligations, is laughable.<sup>4</sup> Not because it is pretty thin ice to skate on as a matter of constitutional doctrine, although to this moderately informed generalist that seems clearly the case,<sup>5</sup> but because it reflects and reinforces such an impoverished and debilitating notion of what it means to be of service to people. The Jewish tradition teaches that, when you have the occasion to perform an act of kindness or charity for another person, and he or she thanks you for what you have done, the proper response is to say, "No, it is I who thanks you, for you have given me an opportunity to perform an act of kindness or charity."<sup>6</sup> It may be that the reason for this teaching has to do with the idea of obligation, but to me it also reflects the reality that, to be one who has the skills and the discretion in his or her life to spend some part of that life helping one who is nowhere near as free or as fortunate is not a burden, but a blessing. The trick is to recognize that. Who would you rather be, a person who needs help, or the person who can give it?

I am not proposing to offer this insight to skeptical students as a justification for forcing them to do something that they may not want to do. I am saying that actually doing pro bono work in fact helps students — whether they have done it eagerly or reluctantly — and a large number come to recognize that. They come out of the experience realizing that the opportunity to be of service figures on *both* sides of the cost-benefit ledger of life, and is not simply the "giving up of leisure" or some other good.

We are all very conscious of the growing problem of lawyers' dissatisfaction with their work. When I first met my wife, who is a nurse, and she learned that I was a law teacher, she said to me: "What do you teach in law school about the fact that lawyers have such a high suicide rate?" Well, what do *you* teach about that? Although today we spend a bit more time talking about "impaired lawyers," I imagine that the answer is still, nothing. I did not even know in 1974 that lawyers had a high suicide rate, although from the days when I practiced law in New York I knew that a standing "joke" was that, if you wanted to know how long a lawyer had been

---

4. See Ronald H. Silverman, *Conceiving a Lawyer's Legal Duty to the Poor*, 19 HOFSTRA L. REV. 885, 948 n.102 (1992). See generally Joseph L. Torres & Mildred R. Stansky, *In Support of a Mandatory Public Service Obligation*, 29 EMORY L.J. 997, 1017 (1980).

5. See, e.g., the extremely tentative assertion along these lines, amid a broadside attack on mandatory pro bono, in John C. Scully, *Mandatory Pro Bono: An Attack on the Constitution*, 19 HOFSTRA L. REV. 1229, 1260-61 (1991).

6. For a similar thought, see Honorable Joseph W. Bellacosa, *Obligatory Pro Bono Publico Legal Services: Mandatory or Voluntary? Distinction Without a Difference?*, 19 HOFSTRA L. REV. 745, 746-47 (1991).

in practice, you went to lunch with him, and noticed how much he drank.

My point is not that pro bono programs are a cure for suicide and alcoholism, but that the opportunity to be of service to people who need it is a source of great satisfaction. I have a friend, a partner in a large Philadelphia law firm, a very successful and talented labor lawyer, with a creditable practice mostly representing large corporations. He does good work, work of which he can justly be proud. He wears a watch given to him by a woman discharged shortly before she would have become eligible for retirement, and just at the onset of a chronic illness. Through his representation she was reinstated momentarily and permitted to retire, thus preserving her pension benefits and health insurance. He did not charge her a fee, and she gave him the watch as a present. If you ask him the time, he will tell you, and then likely tell you about the watch. Obviously, what he did in that case means more to him than some really terrific lawyering — perhaps far more challenging intellectually, and in the public interest in some complex way — which he regularly does for his business clients. The opportunity he had, to do that representation, makes a big difference in the satisfaction he gets in being a lawyer, not only in that moment, or in the moment in which he is showing you the watch, but in his everyday practice.

Now it is easy to criticize the point I am making, to say, so what? He did that nice thing once, and the rest of the time he is busy making money. Sure, but the tendency to polarize the alternatives — your choices are to live life as a legal version of St. Francis, or of Donald Trump — is one that we need to transcend. It is possible to spend your time essentially making a living, feeding your family, and going up the ladder as we all like to do, without spending *all* of your time going up literally as sharply as you can — as they say in the law-and-economics business, continually maximizing your wealth. We are talking about a slight correction of that. The aspiration is not quantified, and each of us will decide how extensive it will be in our lives. For some, it could be a little more, for a few a lot more; that is not of the essence.

## II. Contours

The premises I have described tend to guide one's answer to the many difficult questions that arise in the shaping of a pro bono program. I want to describe the program at the University of Pennsylvania in order to apply the general principles to the many detailed questions that arise in developing a program. For one barrier

to taking on that task is the very existence of so many detailed questions. They are real, difficult, and important. They each need to be faced and worked through. But their existence is not, a priori, an objection, the mere articulation of which establishes the unworkability of the whole idea.

First, it is important that the requirement be a recurrent one, rather than one that simply needs to be met at some time during a student's career. We are trying to teach students that a lawyer spends part of his or her time devoted to unpaid legal services. It is not something that one does only once. We at Penn chose not to apply this rationale to the first year, simply because the first year is a time of unusual stress and adjustment.

We set thirty-five hours as the requirement, in each of the second and third years, deriving the number from the American Bar Association's fifty-hour annual norm, as applied to the nine-month academic year. There is obviously nothing magical to this figure. One constraint is that below a certain number of hours of work a student is not of much help to a lawyer. There is a wide range of work a student can do, so one must be careful in making assumptions about that minimum, but obviously the lower you go the more kinds of legal tasks are simply not going to be available.

We said that the work had to be done during the academic year, because the point of it is for students to experience it as part of their work, not as something they do in the summer. For the same reason, the work needs to be legal in nature. A student does not meet the requirement by volunteering in a soup kitchen, not because that is not public service, or equally valuable, but because it is not practicing law. We are not saying that outside your practice you should do no pro bono work; we are saying only that you should do some of it within your practice.

To say the work should be unpaid, in the law school context, is to say that it should not carry separate academic credit. If there is one aspect of the program that our students, who overwhelmingly approve of the program as a whole, are widely unhappy with, it is the idea that they do not "get credit" for the work. My inclination is to respond that, "of course you get credit; it is a requirement for graduation, and you get credit for meeting that requirement." I do have to smile when I say that, however (and I don't say it, to them or to you), for obviously that is not what they mean. Of course, we could have given the program one point of credit, and increased the requirement for graduation by one point. We made the entire program totally prospective, applicable only to the class that entered the School after its approval by the faculty, and at most only the

first class would have known that we had pulled a fast one on them. By now, the students would be happy in the perception that they "get credit." From my point of view, that is exactly what I don't want. I don't want the students to think of the work as something for which they get paid, but as something they do for which they do not get paid.

The definition of qualifying public service work is extremely broad; for example, all government work, all work for nonprofit organizations, qualifies. Many of us hope and prefer that students choose to work in poverty-related work, just as the ABA now suggests. And most of them do. But I think it would be wrong to require it. It is one thing to say to students that part of your professional responsibility is to be of service, and another thing for the School to specify how you serve. If you want to serve by being a public defender or a legal services lawyer, that is great. If you want to serve by working for the National Rifle Association, the Washington Legal Foundation, the Tobacco Institute, or even the University of Pennsylvania (which, let us not forget, is a nonprofit organization), that is all right too. It is enough for me that many students will choose work serving the poor.

Bear in mind that the educational values that the program primarily serves are not the development of legal skills but the socialization of students to professional norms. Thus, we do not grade the work, but only ask the supervisor to certify that the student has done it in a professionally responsible manner. Primarily that means meeting his or her commitment. We had an experience that was wonderful for learning purposes, in which a student took the all-too-common attitude, well, this is a tough week for me, I'll do the work next week. The assignment involved a bankruptcy proceeding, in which the student failed to file something quickly enough, and the client came very close to losing her housing. The learning from seeing the consequence of delay, seeing that people's lives turn on your meeting your obligations, is powerful.

The obligation may mean occasionally that I have finished my thirty-five hours, but I have not finished this one piece of work, and therefore I have to finish it, not because the law school says I have to do more than thirty-five hours, but because the notion of professionally responsible work means that I cannot leave it uncompleted. The learning is that the rule is to do responsible work. Being "graded" on doing professionally responsible work, rather than only on writing an examination paper, is an important learning experience for students.

### III. Objections

Let me briefly say why I think that most of the common objections to mandatory pro bono miss the mark. The most common one, of course, is that it is "imposing morality" on other people.<sup>7</sup> On a serious look, this idea seems to me to fall apart in several respects.

We do require students to take professional responsibility. To me, mandatory pro bono is part of the professional responsibility requirement. Indeed, in the literature we put out at the University of Pennsylvania, we try to make that explicit.<sup>8</sup> Just as a professionally responsible lawyer is a competent lawyer (Model Rule 1.1),<sup>9</sup> and being competent means learning Civil Procedure, Torts, etc. (at least to the extent of passing those courses), being a responsible lawyer means not only respecting client confidences, avoiding prohibited conflicts of interest, and not co-mingling client funds, it also means aspiring sincerely to devote some part of one's work to unpaid public service.

By adopting a public service requirement, a school signals its view that a responsible lawyer does, and can, succeed in practice while devoting some time to unpaid or low-paid public service; that students can, and should, learn while in law school to make space for such work in their overall work life; and that the school is willing to invest some time and resources to facilitate some of that learning. Once a student graduates, she or he will be as free as are other lawyers to reject their school's views, with respect to the service aspect, no less than the competence aspect, of professionalism. It does not surprise us as teachers to know that many practitioners think that we overdo the extent to which one really has to have analytic prowess to make it in the profession. But we nonetheless teach students to have analytic prowess. No less with respect to service, it is appropriate for a school to design a program consistent with its own perception of the norms of quality lawyering. Students receiving its degree have completed that program, and may, thereafter, follow their own norms, free of the school's notion of what they should be.

I have to ask people who say that, by having a program like this, we are imposing our morality on other people to face the question, "What are we in law school imposing on students now?" Law school, particularly in the first year, now gives students several

---

7. See the textured consideration of such a position in Roger C. Cramston, *Mandatory Pro Bono*, 19 HOFSTRA L. REV. 1113, 1132-33 (1991).

8. See University of Pennsylvania Law School, *The Public Service Program* (undated) (on file with author).

9. MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.1 (1993).

messages that may not be intended but are nonetheless powerfully heard. One is that the distribution of legal services is not a serious problem; what makes the difference in the quality of justice is the quality of rational argument and analytical ability, and not such matters as preexisting allocations and distributional problems. Another is that money is what it is all about. What most newspapers call the business section, *U.S.A. Today* calls "Money." I notice, when I walk past a classroom's open door, how often the discussion is about money. The hypotheticals are about taxpayers with several million dollars to invest, etc.

It is important to note the significance of the fact that the subject of many law school cases and classes is money. That fact strikes some students as self-evident and others as bizarre. The ones to whom it is bizarre are being told, silently, that it is not bizarre, that perhaps it is they who are bizarre. Money just happens to be what life is about, a primary motivation for human conduct; everyone in the cases is trying to maximize his or her income. That is the way it is supposed to be, or at least the way it has to be. That is the message of law school. Now, if that is not imposing something on somebody, I do not know what the words mean. Some people agree with the message, and welcome it. Others are deeply disturbed by it. And much of the alienation that exists in law school is about that. The channeling effect of law school, away from objectives and values other than money and power, is well known. It is bizarre to me, and revealing, that this modest, almost minuscule corrective is seen as imposing morality on someone.<sup>10</sup>

A second objection is that, if you force everyone to participate, some will do it badly, either because we have not sufficiently trained them, or because they are doing the work unwillingly. It is important to recognize this problem in shaping a program. It is one reason I think that the definition of qualifying work should be broad. On both scores, it is not a good idea to require everybody to represent people in a particular kind of setting. But the fact is — and by now I can talk with several years of experience and not simply as a prediction — that the overwhelming number of students do not resent it, that most students are not bad at it, and that the process of selecting a placement reduces the seriousness of this problem significantly. There is no basis for presuming that students will seek work for which they are especially unqualified. Nor will supervisors offer that kind of work to law students.

---

10. I have developed this theme at greater length in *Infinity in a Grain of Sand: The World of Law and Lawyering as Portrayed in the Clinical Teaching Implicit in the Law School Curriculum*, 37 UCLA L. REV. 1157, 1173-82 (1990).

Those of you who are practitioners can imagine yourself thinking about having a student working under your supervision. You are immediately going to screen out the kind of work that a student cannot do. If that leaves a null set, so to speak, you will choose not to be a supervisor. We have had no difficulty finding enough qualifying placements. The truth is that the level of both the quality of the work done overall and the satisfaction that students get from it, dwarf any problems of resentment and representation.

#### IV. Implementation

At the University of Pennsylvania, we spent six or eight months answering the large number of real and difficult issues that need to be faced in shaping a program. Two colleagues and I spent about three months meeting informally, putting together a proposal. Our Educational Program Committee met at least three or four times over the course of another few months reviewing and re-shaping it. The faculty devoted two meetings to consider ten proposed amendments to the proposal, as it emerged from committee. We adopted some of those, and some we chose not to adopt. Most of those amendments were not trivial, but all were very specific in detail. Although we were closely divided on some amendments, once we completed the task of working out answers to each, we adopted the program as a whole by an overwhelmingly affirmative vote. That should not surprise you; lawyers would much rather debate the details than fundamental questions.

The point is that questions about the specific contours of the program should not be raised as barriers to consideration of the idea. They need to be addressed. For those of you who are disposed to encourage your colleagues to think seriously about the idea, there is a chicken-and-egg problem. Before you work through the thing to come up with an answer to all of the specifics, it seems as if it is too difficult to work through them all. "The devil is in the details." On the other hand, once you have worked through the problem in detail and come up with a lot of specific answers, you have a very specific structure to which people can raise all sorts of objections.

My response is to go ahead and work out the details in advance of presenting a proposal for adoption, because you cannot have a large group come to grips with the development of an initial response to so many details. Let the objections come in, write them all down, and take them up one at a time. If there are ten proposed, deal with all ten. Not all of the questions need be answered in one way. *The contours of our program make sense to me, but there are*

other ways of answering the questions that make sense too, and any program adopted by a group will not make perfect sense to anyone. The question is whether the final product is sufficiently coherent to warrant continued support.

Finally, I recognize that a mandatory program is not for every school. I do not mean this in a patronizing way. Part of our good fortune at the University of Pennsylvania is that we are a relatively small school in a relatively large city, with an active public interest community, including a lot of government work. I would expect, for example, that neither the University of Texas nor Harvard Law Schools could have such a program, because they are extremely large schools in relatively small cities. (As a Philadelphian, I am happy for the chance to bracket Boston with Austin.) One response, which I think would be irresponsible, would be for a school to adopt a program that simply told students to go out and find something to do. I would have difficulty with such an approach in any event, but I certainly would not consider doing it unless I was confident that there were enough "somethings" out there. And although I would be delighted to have other schools in the Philadelphia area do what we are doing, that delight would be somewhat alloyed by the recognition that their students would be competing with ours for placement.

One experience we have had, however, is that the number of placements has proven to be more elastic than we might have thought at the beginning. Obviously there is a limit, but we have not reached it, and to some degree, as in many other areas, the supply creates a demand. There was a latent demand, and now that the program has been in existence for awhile, lawyers who had thought at first that, given the time available or the students' lack of more extensive clinical experience or training, they could not think of anything useful for a student to do, have now heard of experiences of friends and colleagues that have made them aware that there is work they can have students do. Some lawyers have tried it and not liked it. A few have tried it whom we did not like. But for the most part, the experience has been as positive on the lawyer side as on the law school side, and that has helped meet the supply problem.

Another factor that needs to be faced by a school is the profile of its student body. After teaching at the University of Pennsylvania for twenty years, I spent the next seven at a public law school in New York, and then returned. It struck me that perhaps the most important thing one has to know about the University of Pennsylvania Law School is that the tuition is \$19,000 a year.

There are of course students who struggle financially, but there are many who do not. I realize that the phenomenon of students working outside is more than a matter of economic necessity, but it is an important fact that, compared to some schools, a relatively small portion of our student body is driven to work outside by economic necessity. At schools where that is not so, you need to think about whether your students would be excessively pressed by a pro bono requirement.

Our program contains a hardship exception, whereby a student, either because of extreme financial pressure or family disasters, can be excused on an individual basis. That approach only works if it is a rare, *ad hoc* situation. If many of your students would be in that situation, you really have to think twice. But, again, the objection is not an *a priori* one. A student spoke to me the other day wanting to change the requirement of annual work, because the second year was just too busy. He listed all the things that he needed to do in the second year, many of which would not be as pressing in the third year. One of these was having to go on *eighteen* callback interviews in six different cities. That student would have benefitted from somehow realizing that he did not have to go to eighteen callback interviews. Having a limit put on one's hysteria is always a valuable educational experience. But there are situations in which it is not hysterical, and the question is whether enough of your students would be beset by real problems.

The final problem that each law school has to consider for itself is that of resources. My own view is that it is not responsible for a school simply to say to students, "Go out with this list of lawyers and find someone who will supervise you." There has to be some kind of network and structure that screens prospective placements, fits students with placements, and orients and sufficiently monitors the lawyers. All that requires a full-time director, with a supporting office. It costs my School a sum that looks substantial enough standing alone, but is only about one-half of one percent of our budget. The program at some schools could probably be done for less, but it is a commitment of some resources. We all have colleagues who would say that we should not spend any money on this objective, that it is nowhere as important as (to pick an example at random) supporting faculty research. The question you need to face is how substantial a commitment it would be, and whether it is too substantial. If you really think, as I do, that the program serves important educational purposes, I think you will agree that the cost is a very small one.

## V. Consequences

Although to me the overriding goal of a pro bono program is to serve the educational values that I have described, it can have by-products that for some may be more important. First, it has often enriched the curriculum; in Family Law, in Consumer Credit, and in other areas, students come to class with experiences that they can bring to share in discussion. Some teachers are hospitable to that. Perhaps what is more important, it has dramatically changed the mix of corridor conversation. In the halls now, besides the usual talk about callbacks and the structuring of summer employment between large firms and different cities, we hear conversations about women who are trying to keep their children while fending off domestic violence, about people who are trying to stay in their apartments while dealing with impending bankruptcy. We hear students talking about the problems of people whose legal needs are not being met by our society, about problems that arise before the litigation that produces a casebook case or is created in the wake of such a case. We hear students talking about their experiences of being of service. To me, that is a really dramatic gain, balancing somewhat the messages of law school. It always amazes me to realize how isolated students are. Over the years many students have said to me that they do not want to go the usual route in "placement," and have assumed that they were the only ones to feel that way.

The program is for many students a "growing" experience. It calms them by offering them the confidence that comes from knowing that they successfully did something of value for other people. It gives them a perspective and an orientation that I think is important to their future professional lives.

The program serves the function of leveraging the pro bono capability of lawyers, both those who are devoting their careers to public interest practice and those in private practice. It enables some to take on or expand a pro bono caseload, doing what may not seem feasible without student help. We administer our requirement in an extremely flexible way. Lawyers who believe that thirty-five hours is too short for their work needs can choose several students at a time, or have them work on a matter sequentially. Students can select a placement that involves a short period of intensive work, or one that goes on over the course of a semester, or longer.

Our hope is that, as people come through the Law School and into the profession having been in the program, they will come to regard it as part of the furniture. All students now enrolled came to

the School several years after we adopted the program, and anything done before students arrived is ancient history to them. They expect it, some came because of it, some who would be seriously hostile to the idea may have not come because of it. Those who have come go through legal education, taking it for granted that unpaid public service is part of what you do as a lawyer. Our hope is that the next generation of lawyers will, more likely than those who have gone before, take it for granted that part of the opportunity of being a lawyer is the opportunity to spend part of one's time doing unpaid service to others. That may be the most important consequence of all.