

# Pro Bono Guidelines

## OFFICIAL PRO BONO GUIDELINES

### I. GENERAL PREAMBLE

The Columbia Law School faculty determined at its December 18, 1992, as amended at its April 18, 1997 meeting that:

As a prerequisite for graduation, every student entering as a first-year student during or after the 1993 Autumn term, and every other candidate for a Columbia J.D. degree entering during or after the 1994 Autumn term, must complete 40 hours of qualifying public interest service after the end of her or his first year of law school. A description of qualifying public interest service may be obtained from the Director of Social Justice Initiatives. Students for whom this requirement presents a special hardship may bring that fact to the attention of the Director or the Director's designee for appropriate action.

(codified as Rule 1.10 in the 2002-03 Law School Bulletin, at page 70). The Public Interest Activities Committee's October 1992 Memorandum to the Faculty spells out the goals and purposes of the Program.

These Guidelines for the Mandatory Pro Bono Program establish the standards for the implementation of the Program. For example, they further define "qualifying public interest service," establish procedures for securing pro bono placements and state how the hardship provision will be administered. The Mandatory Pro Bono Program shall be implemented by Social Justice Initiatives (SJI).

The Law School's commitment to the Mandatory Pro Bono Program, as established by Rule 1.10 and as generally described in the Committee's Memorandum, is firm and ongoing. These Guidelines are experimental, however, and are subject to change as experience dictates. Substantive (i.e. non-procedural) changes will not apply to students in their second or third year at the Law School when the change is adopted.

### II. STANDARD FOR QUALIFYING PUBLIC INTEREST SERVICE

This section provides guidance as to what service will qualify for mandatory pro bono credit. Qualifying public interest service consists of uncompensated, law-related, public-interest work performed after the end of the first year of law school.

#### A. Uncompensated

"Uncompensated" means that the student receives neither monetary compensation nor academic or writing credit for work done in satisfaction of the pro bono requirement. The mandatory pro bono service requirement is in addition to the other requirements for the J.D. degree. To assure that work credited toward the pro bono service requirement is appropriately distinguished from work receiving compensation or credit, the following rules apply:

1. Service Related to Employment During a Semester: Otherwise qualifying public interest service provided to or under the auspices of any individual or organization may qualify for mandatory pro bono credit if that service is provided by a student during any semester in which the student also receives compensation from that individual or organization only if compensation is provided on an hourly basis and no compensation is received for the services for which pro bono credit is sought.

2. Service Related to Summer Employment: Otherwise qualifying public interest service provided by a student to or under the auspices of any individual or organization during the summer may qualify for mandatory pro bono credit even if the student receives compensation from the employer for work performed during that summer, provided that the qualifying service (a) is performed during a week for which the student receives no compensation from the employer; and (b) is in addition to work that the student is expected or required to complete during a period when the student is compensated. In no event shall pro bono service performed during a week or weeks for which the student receives compensation be assigned mandatory pro bono credit. For example, neither pro bono work done "after regular hours" nor work done on weekends qualifies, if any compensated work is done during the week for which credit is sought.

3. Service Related to a Human Rights Internship: Otherwise qualifying public interest service provided by a student to an individual or organization under the auspices of the Columbia Human Rights Internship Program may qualify for mandatory pro bono credit only if the service (a) is performed during a week for which the student receives no compensation; (b) is performed after the first 10 weeks; and (c) is in addition to work that the student is expected or required to complete during the Internship.

4. Service Related to a Columbia Public Service Fellowship/Matching Grant: Otherwise qualifying public interest service provided by a student to an individual or organization under the auspices of the Columbia Public Service Fellowship/Matching Grant program may qualify for mandatory pro bono credit only if the service (a) is performed during a week for which the student receives no compensation; and (b) is in addition to work that the student is expected or required to complete during a period when the student is compensated. In no event shall pro bono service performed during a week or weeks for which the student receives compensation be credited toward satisfaction of the pro bono service requirement. For example, neither pro bono work done "after regular

hours" nor work done on weekends qualifies, if any compensated work is performed during the week for which credit is sought.

5. Service Related to a Student Funded Fellowship: Otherwise qualifying public interest service provided by a student to an individual or organization under the auspices of the Columbia Student Funded Fellowship Program ("SFF") may qualify for mandatory pro bono credit only if the service (a) is performed during a week for which the student receives no compensation; (b) is performed after the first 10 weeks; and (c) is not work that the student is expected or required to complete during the Fellowship. However when SFF provides the matching component of a Columbia Public Service Fellowship/Matching Grant, Standard II.A.4 shall govern.

6. Service Related to a Summer Judicial Internship:

Service to a federal or state court through an internship in the summer may qualify for pro bono credit only if the service (a) is performed after the 10 weeks of no less than 35 hours of work per week; and (b) is not work that the student is expected or required to complete during the internship.

7. Service for a Faculty Member: Otherwise qualifying public interest service provided under the auspices of a faculty member may qualify for mandatory pro bono credit only if that service is not performed during any semester in which the student also receives academic credit or compensation for research or other assistance to that faculty member.

8. Service Related to an Externship: Otherwise qualifying public interest service provided to or under the auspices of any individual or organization at which the student has worked in a Law School authorized externship program may qualify for mandatory pro bono credit only if that service is not performed during any semester in which the student also receives academic or writing credit for the externship.

9. Service Related to a Clinical or Other Course: Otherwise qualifying public interest service provided by a student with respect to a matter on which the student works as part of a Columbia Law School clinical course for which the student receives academic credit may qualify for mandatory pro bono credit only if that service (a) is performed during a semester in which the student receives no academic credit for the clinic; and (b) is in addition to the work expected or required in satisfaction of the clinical course.

## **B. Law-related**

1. Organizations and Programs

Work for an organization, program or individual that as a substantial part of its activities, delivers legal services or performs other law-related work is presumptively law-related. Students accepting or requesting particular placements are responsible for ensuring that the work they do is in fact law-related, allowing for ancillary administrative and clerical work that may be necessary to the student's law-related work. Students will not receive credit for involvement in the non-legal work of the entity (e.g., fund-raising or organizing social activities).

Work for an organization, program or individual that is not primarily law-related (e.g., service on the board of directors of a community organization or for a religious organization) qualifies only if the student is working on a specific project which is law-related (e.g., assisting with interpretation of laws or regulations that affect that organization), allowing for ancillary administrative and clerical work that may be necessary to the student's law-related work.

## 2. Supervision Required

Otherwise qualifying public interest service at an Established Placement or Student-initiated Placement may be assigned mandatory pro bono credit only if it is (a) under the ultimate supervision of a member of the bar who formally represents the client(s), if any, for whom the work is being performed (or is responsible for the work of the attorney who formally represents them) and (b) under the direct and ongoing supervision of a member of the bar or an advocate or other person with expertise in the relevant subject matter area, who is responsible for:

- a. assigning the particular task to the student;
- b. taking the steps necessary to assure the task's successful completion, including training, oversight, and provision of model forms or other documentation;
- c. conducting an evaluative exit interview with the student; and
- d. evaluating the student's work using the Program's mandatory evaluation form.

## 3. Limitation on Legal Work

Students have not been admitted to the Bar and as such cannot represent or provide legal advice to organizations, programs, individuals or their clients. No organization, program, individual or client may rely on a student's work product in taking any actions or forbearing from any actions that may subject the organization, program, individual or client to legal process.

## **C. Public Interest**

1. The scope of public interest service which will qualify for mandatory pro bono credit is non-ideological, broad and includes, among other things:

a. legal services to those without the financial resources to compensate counsel (e.g., indigent individuals; incubator businesses that will improve the economy of a disadvantaged community or an indigent population such as "minority business enterprises");

b. legal services aimed at protecting the rights of an individual or individuals in situations raising important public interest concerns and/or important rights belonging to a significant and underrepresented segment of the public such as: legal service groups; organizations that pursue civil rights, civil liberties, veterans' rights, victims' rights, reproductive rights, family rights, prisoners' rights, or environmental protection; civic, community-based, charitable or religious organizations; cultural organizations; and bar associations;

c. efforts to improve the legal profession or the judicial system, including but not limited to substantive legal work performed in connection with a program presented at the law school; and

d. efforts to improve public understanding of public interest law.

2. Qualifying public interest service includes but is not limited to service performed under the auspices of:

a. governments, legislatures and courts;

b. not-for-profit organizations with exemption or qualifications for exemption under sections 501 (c)(3) or 501 (c)(4) of the Internal Revenue Code;

c. Law School clinics;

d. Law School faculty members engaged in uncompensated public interest endeavors, as distinct from their scholarly work, research or teaching;

e. Student-directed Organizations; and

f. private law firms with respect to their pro bono clients even if the firm ultimately may be compensated through statutorily mandated attorney's fees; legal services for clients who have an obligation to compensate the firm through hourly or contingency fees ordinarily do not qualify as public interest service even if the fees are discounted or will be paid by an entity obligated to provide legal services to the client (e.g., an employer-sponsored legal services plan).

The above examples are intended to illustrate the concept of public interest service for which credit will be given, if it otherwise qualifies. The examples are not intended to be exclusive.

#### **D. Forty Hours**

1. Each student must complete 40 hours of qualifying public interest service between the end of her/his second semester of law school and the end of her/his sixth semester. All forms documenting completed hours must be submitted by April 1st.
2. Qualifying service may be performed at any time after the end of the second semester, including, for example, any semester in residence at the Law School or another law school, any semester in residence at another school that is part of a joint degree program, any vacation and any summer.
3. Qualifying service may be performed in a segment or segments of any duration acceptable to the relevant Placement Supervising Attorney or Placement Supervisor, but students are encouraged to complete the requirement in a single semester or summer and a single or small number of segments.
4. Students shall receive mandatory pro bono credit for qualifying public interest service, training necessary to perform such service, and necessary administrative and clerical work ancillary to the student's law-related work.
5. Time spent commuting to and from the placement shall not qualify for mandatory pro bono credit absent extraordinary circumstances.
6. No student is under any obligation to accept an assignment requiring more than 40 hours of service. However, students must complete the project and number of hours they have agreed to perform as reflected on the Registration Form submitted at the commencement of the assignment, without regard to the 40 hour requirement. If the assignment is not completed, the student shall not receive any credit for service performed at the placement. For example (a) if the agreed-upon assignment specified 60 hours and the student performs only 40 hours of work, the student will not receive any credit; (b) if completion of the agreed-upon assignment specified 20 hours and the student only needs 10 hours more to fulfill the graduation requirement, 20 hours must be completed.

### **III. STANDARD AND PROCEDURE FOR REGISTRATION AND CREDIT**

Compliance with the following procedures will help students get the mandatory pro bono placement they want and receive mandatory pro bono credit without difficulty. The Public Interest Program will help students identify and secure Placements and otherwise satisfy the requirement but each student bears the responsibility of her/his compliance.

Mandatory pro bono placements may be Student-directed Organization Placements, Established Placements, or Student-initiated Placements. A Student-directed Organization Placement is a pro bono placement performed under the auspices of a Law School student organization that has been approved for mandatory pro bono credit. An Established Placement is a project that has been pre-approved for mandatory pro bono credit and made available to all Law School students, other than a Student-directed Organization Placement. Student-initiated Placements are pro bono placements initiated by individual students or groups of students for themselves.

Registration procedures for Student-directed Organization Placements and Established Placements vary from those for Student-initiated Placements. The deadlines and remaining procedures are the same for all Placements.

All of the Forms required by this section shall be available at the offices of SJI and on-line at <http://www.law.columbia.edu/programs/social-justice/sji-atcls/probono/probonoforms>

#### **A. Registration Deadlines**

1. Students are encouraged to register for mandatory pro bono placements as soon as possible to have the broadest choice of Placements. Graduating students must register no later than the last day of late registration for the semester in which the service will be done or the fifth week of the summer in which the service is to be performed.
2. Work at a mandatory pro bono placement may be commenced at any time during the semester or summer that is acceptable to both the student and the Placement Supervisor. The project need not be concluded within one semester or summer. Multiple projects or assignments at one organization shall be considered a single Placement.
3. Registration deadlines may be waived for mandatory pro bono placements that call for work to be performed in a specific semester or summer but do not become available until after the expiration of the deadline for that semester or summer.

#### **B. Registration Process**

1. Established Placements and Student-directed Organization Placements
  - a. The Program will maintain a computer database of Established Placements and Student-directed Organization Placements that can be searched according to individual search criteria. Students may search these databases, with the assistance of Program staff, to identify a desired Placement.

b. The Dean of SJJ or her/his designee within the Program will be available to meet at reasonable times with any student requesting assistance in her/his search.

c. The student is responsible for contacting the organization directly and providing any necessary materials, such as a resume and cover letter, to the placement.

d. The Placement usually will schedule a meeting with the student. Meetings should allow students and supervisors to come to an agreement about the mandatory pro bono service, including the starting date and the number of hours required. The Director for SJJ or her designee should be informed about any problems that may arise at the initial meeting or in arranging the initial meeting.

e. If a student receives an offer from a Placement, she/he should respond in the manner requested by the Placement as soon as possible. Placements may be reassigned if response is not timely.

f. Students must submit a completed Registration Form (Form 3), to SJJ office within 14 days of the date the assignment is accepted. Graduating students must register no later than the last day of late registration for the semester or the fifth week of the summer in which the service is to be performed. Registration Forms shall be filed with the Pro Bono Coordinator at SJJ.

## 2. Student-initiated Placements

a. An individual student or group of students may petition for approval of pro bono service initiated for herself/himself or themselves ("Student-initiated Placement"). Students may initiate Placements only at organizations that are not Established Placements or Student-directed Organization Placements.

b. Petitions for Approval of a Student-initiated Placement (Form 4) must be filed at least 30 days prior to the semester or summer in which the pro bono service is performed. For good cause shown, a petition may be filed by fax, telephone, or electronic mail. An approved petition shall constitute the student's Registration Form.

## C. Exit Questionnaires And Supervisor's Reports

1. Students should complete and submit an Exit Questionnaire to SJJ office within 7 days of completing work at a mandatory pro bono placement and must submit it no later than the last day of the semester or summer in which the work was completed. Graduating students shall submit their Exit Questionnaires no later than the last day of upperclass courses of their final semester at the Law School. Exit Questionnaires shall be submitted to the Pro Bono Coordinator. SJJ will make completed Exit Questionnaires available to students inquiring about the

Placement. The Program also shall use the Exit Questionnaires to monitor Placements.

2. Students should have their supervisors submit a Supervisor's Report (Form 6) to the Program office within 14 days of the completion of a mandatory pro bono placement and must make sure forms are submitted no later than the last day of the semester or summer in which the work was completed. Graduating students shall make sure that their Supervisor's Reports are submitted no later than the last day of upperclass courses of their final semester at the Law School. Supervisors Reports shall be submitted to [probono@law.columbia.edu](mailto:probono@law.columbia.edu).

#### **D. Mandatory Pro Bono Credit**

1. Once pro bono forms are logged in the Social Justice Initiatives pro bono database, a student's pro bono hours will immediately appear in his or her lawnet records. Staff at Registration Services will update all student transcripts in July and will update 3L transcripts in the month before graduation.

2. Each student shall be responsible for informing the Dean of SJI in writing of any disagreement with the mandatory pro bono credit shown on her/his transcript and/or Lawnet report.

#### **IV. STANDARD REGARDING THE HARDSHIP EXEMPTION**

A. A student who has a special need for relief from the pro bono requirement shall petition the Dean of SJI no later than the end of the student's fifth semester at the Law School (Form 7).

B. The Dean of SJI is authorized to accommodate a student's special needs and, in exceptional circumstances, to waive the requirement entirely.

C. A student who is denied the relief sought may appeal a contested determination to a panel to be appointed by the chairperson of the Faculty-Student Public Interest Activities Committee or the Dean of the Law School and consisting of one student, one faculty member and the Dean of Students.

#### **V. STANDARD REGARDING PETITIONING FOR WAIVER OF REQUIREMENTS**

A. Unless otherwise provided in these Guidelines, any student or student organization may file a petition with the Dean of SJI seeking to be exempted from any standard set forth in these guidelines (Form 8). No such petition shall be granted except for very strong reasons.

B. A student or student organization denied the relief sought may appeal a contested determination to a panel to be appointed by the chairperson of the

Faculty-Student Public Interest Activities Committee or the Dean of the Law School and consisting of one student, one faculty member and the Dean of Students.