



PRO BONO STUDENT HANDBOOK

Prepared by
The Office of Student Affairs¹

Why Should I Do Pro Bono Work?

There are a myriad of reasons to do pro bono work while in law school, not the least of which is helping some of the thousands of people in Northern California who desperately need access to legal services.

- **Develop your legal skills in a real-world setting.** Civil procedure actually does have a real-world application! When you do pro bono work, the law you learn in class is brought to life. Depending on your placement, you may perform legal research, write court briefs, interview real clients, take depositions, and even appear in court.
- **Make professional contacts.** As a volunteer you will become part of a larger legal community that includes attorneys from public interest organizations, law firms, and government agencies.
- **Explore career options and find your passion!** While volunteering, you will gain a real sense of what different law practices are like; this experience will be invaluable in deciding what career path to follow. Exposure to different areas of law may help you find your true calling.
- **Enhance your résumé.** Showing that you have put your legal skills into practice can really help you stand out to prospective employers. This is especially true for first-year students who often have no legal experience when applying for their first summer jobs.
- **Meet like-minded law students.** Getting involved with pro bono work will allow you to meet students who share your desire to learn and to help others.
- **The American Bar Association recommends it.** ABA Model Code of Professional Conduct Rule 6.1 states that every lawyer “has a professional responsibility to provide legal services to those unable to pay” and should aspire to perform at least fifty hours of pro bono work every year.”
- **The State Bar of California recommends it.** The Board of Governors of the State Bar of California adopted the Pro Bono Resolution, resolving that the Board of Governors of the State Bar of California: “Urges all law schools to promote and encourage the participation of law students in pro bono activities,” including requiring any law firm wishing to recruit on campus to provide a written statement of its policy, if any, concerning the involvement of its attorneys in public service and pro bono activities.

¹ The original source of this Student Handbook is OneJustice.

USF LAW STUDENT PRO BONO CONSIDERATIONS

- Review the current list of pro bono opportunities, which is available online at myusf.usfca.edu/law/probono. There are four categories of pro bono opportunities.
 - **USF Pro Bono Opportunities Short Term:** These opportunities are especially suitable for students who have minimal or no legal experience. The legal service organization provides on-site training and does not require students to commit to attending more than a single session.
 - **USF Pro Bono Opportunities Medium Term:** These opportunities require students to receive advance training, which is conducted by the legal service organization. They also require students to volunteer and attend at least four sessions.
 - **USF Pro Bono Opportunities Long Term:** These opportunities allow upper-division students to work on full-scope cases under the supervision of volunteer attorneys, many of whom are USF alumni. Because these opportunities arise from representing a client with a pending litigation matter, the amount of time spent performing the work and when the work is performed varies significantly.
 - **Self-Initiated Pro Bono Opportunities with Local Organizations:** This non-exhaustive list of pro bono opportunities represents a variety of non-profit or government legal services organizations that will hire law students for full-time or part-time internships. Interested students should contact the legal services organizations to learn about the volunteer opportunities and the application process.

- Decide when your schedule permits you to volunteer this semester.
 - If a USF Pro Bono Opportunity interests you, email probono@usfca.edu to obtain more information or sign up.
 - If you'd like to volunteer with a local organization for a full-time or part-time internship, students should contact the organization directly to determine that organizations' requirements for hiring, training, and time commitment. When you discuss the opportunity with the organization, make sure that it is the right fit for your interest, skills, and schedule. You may want to discuss:
 - Your skills and experience
 - Your expectations regarding the placement
 - Your start and end dates
 - The amount of time you can commit
 - Any actual or potential conflicts of interest

- Understand that the more you volunteer, the more you will learn and the more you will help the community you intend to help. Put another way, the first few times that you volunteer, the experience is a learning curve for you: it will take you a while to learn about the process and the law. Once you've overcome the learning curve and built a foundation of knowledge, you'll be a more effective volunteer.

- Be aware that when you sign up to participate in a volunteer opportunity, you represent yourself and USF. This means that your professional demeanor, attitude, and engagement is required from start to finish. From signing up in a timely way; to confirming your attendance; to participating and engaging in the volunteer opportunity; to communicating with clients, attorneys, and legal service providers; and to following up with assigned work—these are all opportunities to demonstrate your professionalism and respect for your clients and supervisors.

- Attend all required trainings or orientations.

- Keep track of your hours by completing the verification document, which includes recording your hours and obtaining your supervising attorney’s signature, and send this document to probono@usfca.edu.

- If you have questions, want to talk about your experiences, or encounter problems during your volunteer engagement, do not hesitate to contact the Office of Student Affairs at probono@usfca.edu.

MAKING THE MOST OF YOUR PRO BONO EXPERIENCE

Although you will not be paid for this volunteer experience, it is still a professional commitment. Please bring the professionalism and high quality work that you would bring to any job.

Working with Your Supervisor

- **Articulate your needs, but be understanding.** Recognize that attorneys and other staff members at your organizations have incredible time constraints on their day. Express what you need, but if you are not their top priority, be patient and helpful.
- **Communicate.** If it appears appropriate, let your supervisor know that if there are special opportunities in the office—such as attending client meetings, depositions, and oral arguments—you would be interested.
- **Get feedback.** You may wish to use your placement as an opportunity to find a reference or to generate a writing sample. Make sure to ask your supervisor about using work-product you generate at your placement before submitting it as a writing sample. Be certain to redact client names and confidential information. Ask for their permission to use them as a reference.
- **Correspond regularly.** Keep your supervisor apprised of your progress. Also, be sure to remind your supervisor of your end date and any dates on which you will be unavailable.
- **Never be afraid to ask questions.** You should always feel comfortable asking your supervisor to clarify an assignment or set deadlines for a project.

Working with a Client

Pro bono clients come from a wide array of backgrounds, many of them from “generational poverty,” which means they may have inherited a different mindset and skill set than middle and upper-income persons. Being aware of cultural differences and maintaining an open-mind about clients will improve a law student volunteer’s ability to serve them. Here are ten tips to help you understand and effectively meet the needs of pro bono clients:

1. **Building trust.** Prior encounters with the legal system will create fear and distrust in many pro bono clients. Be patient if this occurs and treat all clients with the same respect you would treat any non pro bono client:
 - Address clients respectfully as Mr., Mrs., Ms., etc.
 - Explain your role as a law student volunteer and advocate who is “on your side.”
 - Keep clients informed if frequent meetings occur.
 - If the client’s first language is not English, speak slowly and use simple terms. If the client would be more comfortable with an interpreter, advise your supervisor.
 - Do not use “legalese.” One of your roles is to explain the law to persons without legal training; practice this whether you are speaking to a supervisor or a client.

2. **Be alert to the client's circumstances.** Does he or she work? If so, can the client get time off? Does the client have children? Can the client communicate via telephone?
3. **Listen carefully, communicate clearly.** It is important for you to build rapport with the client—even if you will only engage with him or her for thirty minutes. Keep the client focused, but be gentle about hurrying the process along. Ask the client if it is okay to take notes and explain why you are doing so. Explain, in basic terms, the legal system and why your interview questions are relevant to helping with his or her legal problems. Do not assume anything and do not try to answer every question that your client may ask you. Remember that you are not a lawyer and are not authorized to practice law. If you do not know an answer to a question, ask your supervisor.
4. **Help empower your client.** Explain available options and alternatives. Help the client clarify his or her goals and let him or her make decisions.
5. **Promote time and task management.** Explain to the client that it is important that he or she stays aware of his or her case. Help the client stay organized and alert him or her of upcoming important dates and appearances.
6. **Forestall future problems.** During your conversation, be aware of other potential future legal problems. If you have concerns, discuss them with your supervisor so that he or she can speak to or refer the client to another attorney if necessary.
7. **Become culturally attuned.** Try to see the world through the client's eyes. If you are going to be working with one client extensively or clients of a particular culture, you might do some basic research so that you are generally familiar with their native origin and cultural distinctions. For example, traditional Chinese consider it a sign of disrespect to be offered a business card or a cup of coffee with one hand rather than two; different cultures consider eye contact or lack of eye contact as a sign of respect or disrespect.
8. **Ask for help.** If you are caught in a situation in which you are not comfortable or cannot give appropriate advice, ask your supervisor for help. Remind the client that you are a law student, not a lawyer, and tell him or her that you will have to get back to him or her with a specific response to his or her question.
9. **Find and use resources.** If your supervisor agrees, before or after your meeting with your client, identify resources for information. For example, www.abaprobono.org, www.calbar.ca.gov, and www.lawhelpcalifornia.org have useful tools that may help.
10. **Have fun!** Recognize that you are doing something to help another person. This is a very powerful experience, one we think will be rewarding. Use your education as a privilege.

THE NEED FOR AND VALUE OF PROFESSIONALISM

Strive to be trustworthy, competent, respectful, ethical, considerate, empathetic, appreciative, dependable, cooperative, accountable, approachable, and supportive in all of your interactions—whether you interact with a supervising attorney, client, or support staff. Treat this pro bono experience as a job interview. Remember that you are representing yourself and USF School of Law.

Dress professionally to make an impression.

Show up on time.

Listen first, and listen well.

Limit your personal screen time. Put your phone away (in a pocket, purse, backpack, or brief case) when you are working, so that you are not tempted to look at it.

If you cannot attend or participate in a training or clinic that you have signed up for, you must notify the legal services organization and probono@usfca.edu to let us know. Everyone—the legal services organization and USF—is relying on you to fulfill the commitment that you have made.

Introduce yourself to staff and show each of them the same respect you would show to any lawyer in the office, including your supervising attorney.

You are developing professional relationships with every pro bono experience you undertake, so you should always maintain a level of formality even if your relationships become familiar and friendly.

Demonstrate your maturity. The law student with poise and confidence inspires confidence in supervising attorneys (even if you have to fake it until the confidence actually kicks in).

Take initiative, demonstrate self-reliance, and be resourceful. Make sure you understand exactly what you're supposed to do before you begin. Ask for clarification if you need it. Then try to figure out what to do before asking someone else for help. If you truly don't know how to proceed, ask!

CONFIDENTIALITY, CONFLICTS, AND LAW STUDENT LIABILITY

Confidentiality

California law requires that all attorneys “maintain inviolate the confidence, and at every peril to himself or herself to preserve the secrets, of his or her client.” Cal. Bus. & Prof. Code § 6068(e)(1). This rule applies to law students as well as attorneys and means that you have a duty to keep any information that your client shares with you confidential. You may only discuss cases with your supervising attorney and not with other students, employers, co-workers, family, or friends.

Conflicts

California law requires that all attorneys maintain checks on conflicts of interest. A “conflict” can be financial, professional, or otherwise. Law student volunteers are responsible for checking for their own potential conflicts of interest with the placement organization. Before volunteering, be sure to advise the placement organization of other places at which you have worked or volunteered. If you identify a conflict while volunteering (for example, a client has an employment issue with a company for which you once worked) immediately stop and notify your supervisor.

Law Student Liability

When you engage in pro bono work, you are doing it under the supervision of a licensed attorney. The legal service organization, i.e., the non-profit organization or government entity, is likely providing legal malpractice insurance to all of its volunteers, including you. But for your own protection, please inquire with the legal service organization to make sure that your work is being covered under its malpractice insurance.

To practice law, you must be admitted to the California Bar. Cal. Bus. & Prof. Code §§ 6125, 6126, 6127. Practicing law without being a member constitutes a misdemeanor and could prevent you from being admitted to the bar after graduation. As a law student, you may never hold yourself out as an attorney or give legal advice or opinions to clients. Generally, one is not practicing law when doing preparatory work such as:

- Interviewing the client and otherwise gathering facts about a matter
- Performing legal research
- Drafting correspondence and court documents to be finalized by an attorney
- Preparing legal memoranda

As a law student, you may **not** do any of the following unless you become a Certified Law Student under the rules of the State Bar of California:

- Negotiate on behalf of a client
- Initiate lawsuits on behalf of a client
- Represent a client in court

If you wish, you may apply to the State Bar of California to become a Certified Law Student. Certification allows students to engage in a broader range of activities, which are specified in the California Court Rules. More information is available at the State Bar website: www.calbar.ca.gov.