PRO BONO LEGAL SOLUTIONS, INC. — SOLVING THE PRO BONO DILEMMA

Nevre Dane Law School has a long history of attracting students who express a desire to see their legal education to help those in need. By the time these students graduate, however, many feel compelled to enter private practice at high law firms that pay high salaries so that they can earn enough money to pay their student loans — which, for some, can total more than $175,000 for law school alone — or more than $300,000 including undergraduate loans. And because of the time demands and billable-hour pressures of such practice, even the most dedicated and committed Notre Dame law students encounter difficulties in finding the time or the energy to perform pro bono work in the few hours that remain in the week. It is an old and familiar problem that, for years, has defied solution.

But through a unique partnership established this past fall, NDLS hopes to find at least a partial solution. NDLS has teamed up with Pro Bono Legal Solutions, Inc. (PRLS), the basis of which is an organization created in 1991 by swords to finance student loan repayments for NDLS alumni engaged in pro bono work. Suzanne formed PRLS in response to a challenge identified in an American Bar Association report entitled Agenda for Justice: The American People and Civil Justice. The report, which resulted from the ABA’s national study entitled “Comprehensive Legal Needs Study on the American Justice System,” concluded that millions of Americans do not have access to the legal services they need, and recommended 1 action steps to improve the access to justice for these individuals. PRLS, a not-for-profit IRS 501(c)(3) corporation, has accepted the goals outlined in Agenda for Justice and has defined its mission as facilitating the provision of pro bono legal services to income-eligible civil litigants who do not benefit from legal services because they are not aware of or cannot afford needed services.

The program’s concept is relatively simple. PRLS provides funding from foundations and private donors who have expressed an interest in funding pro bono legal services programs. Partner law firms then promulgate the program among their alumni and provide additional administrative support for the program. Once the funding and administrative structure are in place, graduates of partner law schools contract with PRLS to perform legal services for identified clients under the guidance of attorney alumni who serve as a pro bono program director. Under the terms of the agreement, the attorney agrees to work a total of 80 hours per year pro bono, with the number of hours determined by the attorney’s law firm. In exchange, PRLS pays the attorney’s standard hourly rate of $85 per hour for pro bono services performed, up to $12,500 annually. In addition to securing funding to effect the educational debt for contracted attorneys, the PRLS partnership program includes an educational component and a community outreach component. PRLS plans to teach contracted attorneys how to organize their caseload through a pro bono practice course, and PRLS also plans to prepare an orientation package to introduce clients and local communities to PRLS services. In addition, PRLS intends to undertake an outreach effort to increase the contracted attorney’s work in the attorney’s local community. PRLS aims to increase local community, bar associations, and legal services providers to build a community-based partnership to help legal needs of the poor in the contracted attorney’s local area and to ensure that pro bono providers do not compete with for-profit law firms; it will develop a local resource list for contracted attorneys to assist them in preparing their cases, and it will help contracted attorneys find and work with a local mentor who will oversee no liability, but who will act as a recruiter for the contracted attorney. Currently, PRLS is in the process of securing a start-up grant to begin operations. Suzanne McSheehy is confident that, after this initial grant is secured, firms will support the actual pro bono work and will follow and PRLS can begin working with Notre Dame alumni, as early as this fall.

Suzanne hopes that the program she has created will increase the availability of pro bono services by involving more practicing attorneys in such work, and that attorneys who participate will develop a habit of providing pro bono services throughout their legal careers, long after their educational debt has been paid. The program has the added benefit of PRLS of helping to maintain ties with our alumni who are sporadically each work and will make NDLS an integral part of a national legal services network.

Certainly, those who cannot afford to pay for legal services will benefit a great deal from this program — especially if NDLS attorneys each year (and eventually, similar numbers of attorneys from other partner law schools) commit to providing a total of 20,000 hours of pro bono legal services in their home towns. And receiving $12,500 per year in loan-repayment income will help those whose educational debt can add up to more than $200,000 just for our law school.

But more importantly, it will give our graduates a choice they have long desired — the choice between accepting a high-paying but almost assuredly high-pressure position to earn enough money to pay their loans, and accepting a low-paying (and hopelessly underpaid) position — along with committing an extra five hours each week to performing pro bono legal services — to secure some degree of personal help. What a wonderful way for us to help our graduates practice what we teach!