



University of Idaho
College of Law

**University of Idaho
College of Law
Pro Bono Manual
Academic Years '21-23**

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TABLE OF CONTENTS

Introduction

Goals	2
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What Counts for Pro Bono?

Legal Work	2
Under the Supervision of a Licensed Attorney.....	3
Serving the Needs of Persons of Limited	3

When Can I Begin Performing Pro Bono Service?

How Do I Find Pro Bono opportunities?

Pre-Approval	3
Pre-Approval Placements.....	4
Find your Own	4

Is There Any Legal Foundation I Need Before Initiating Pro Bono Service?

Professionalism and Ethics	4
Confidentiality Policy	5
Conflict of Interest Policy	5
Unauthorized Practice of Law	5
Permissible Law Student Pro Bono	5
Examples of Giving Legal Advice.....	6

What time Counts?

Tracking Hours	6
Training time	6
Travel	6

Is There Anything Else I Need to Know?

Deadlines.....	7
Transfer Students	7
Graduation Recognition	7
Student Group Projects – Special Rules	7
No Work for Primary Benefit of the College of Law or its Faculty	7
Students Fulfilling Their Requirement by Working Additional Hours	
After an Externship or Clinic	7
Equal Treatment Regarding Placements.....	7

University of Idaho College of Law Pro Bono Manual

Introduction

Welcome to the University of Idaho College of Law Pro Bono Program! Your pro bono public service work will not only help build the foundation of your own professional identity and career, but will also serve those for whom access to justice is limited and/or serve the public legal good. Each student is required to complete at least 50 hours of attorney-supervised pro bono legal work, without compensation, academic credit, or other tangible benefit.

GOALS:

- Instill a commitment to lifelong pro bono service.
- Serve the unmet legal needs of our communities.
- Gain practical legal experience and networking opportunities.

What Counts for Pro Bono?

The College of Law Pro Bono Program is guided by the American Bar Association Model Rule of Professional Conduct 6.1 and the Idaho Rule of Professional Conduct 6.1. Both rules govern the conduct of licensed attorneys and set the expectation that each attorney will provide 50 hours of pro bono legal service each year to persons of limited means or organizations serving the needs of persons of limited means. Since you are not yet a licensed lawyer, your pro bono service must take place under the supervision of a licensed attorney. The subsections below spell out more details about each of these requirements – work is legal in nature, conducted under the supervision of a licensed attorney, and serving individuals of limited means or organizations that support them.

(1) Legal Work – Your pro bono project must involve performing legal work. This includes but is not limited to the following:

- client and witness interviewing;
- drafting legal documents;
- legislative drafting, analysis and policy interpretation;
- involvement in administrative rulemaking;
- legal research and writing; and/or
- preparation for and assistance with trial.

IMPORTANT NOTE: *Pure observation, with no other role and exclusively or nearly exclusively benefitting only the student does not count as pro bono.*

Consult the Director if you have any questions about whether your pro bono duties fit into these “legal” categories.

- (2) Under the Supervision of a Licensed Attorney - In nearly all circumstances, direct attorney supervision is required for pro bono hours, and the supervising attorney must complete the evaluation form for the student to receive credit. The Director may, in their sole discretion, approve projects without attorney supervision, if there is direct supervision by a non-attorney professional who is a subject matter expert and provides adequate protections regarding unauthorized practice of law, professionalism/ethics issues, and related matters. There are also exceptions to this requirement for pre-approved law student group projects.
- (3) Serving the Needs of Persons of Limited Means – Students should endeavor to make the majority of pro bono work, to the greatest extent possible, consist of direct legal services to those who cannot afford an attorney or who lack meaningful access to the legal system. Additional clients are also allowable, within the scope and spirit of ABA Model Rule of Professional Conduct 6.1, as applied in the discretion of the Director. Legal work within government agencies/entities on behalf of the public or with judges or magistrates is generally allowed. Nonetheless, students should consult the Director during the pre-approval process to ensure the placement fits the pro bono requirements.

When Can I Begin Performing Pro Bono Service?

After 1st Semester - Students may begin their pro bono service after completing the first semester of their 1L year (or the equivalent of 14 credits), so long as they are in good academic standing. Students on academic probation may begin pro bono service the summer after completing their 1L year (or the equivalent of 30 credits). We want to be sure you are successful in the classroom before you take on additional responsibilities.

Complete Required Training - Before beginning any pro bono service, students must complete a pro bono orientation and any other training required by the College of Law or supervising attorney or organization.

How Do I Find Pro Bono opportunities?

While the College of Law may, from time to time, notify students of pro bono opportunities or assist students in securing/organizing opportunities, it is each student's responsibility to find their own pro bono opportunities, ensure they have proper pre-approval, and complete documentation in a timely manner.

Pre-Approval. All projects must be pre-approved by the Pro Bono Program Director to be eligible for pro bono credit. Pre-approval must occur before you begin work. This eliminates the risk of investing time in a project that does not qualify for pro bono hours.

- Pre-Approval takes place by submitting a description of your pro bono project in Idaho Law Careers (ILC) for approval by the Pro Bono Director:
https://law.uidaholaw-csm.symplicity.com/students/?signin_tab=0

- A separate handout provides instructions for using ILC. For technical assistance with ILC, contact the Career Development Office - law-careers@uidaho.edu or 208-885-2742.

Pre-Approved Placements. Visit the College of Law Pro Bono webpage to view pre-approved placements. You can be assured that legal work performed with the listed entities will count toward your pro bono requirement, so long as all other pro bono requirements are met. Students should still follow the process for submitting the project in Idaho Law Careers, even if it is a designated pre-approved placement.

Find Your Own. Students are encouraged to identify pro bono opportunities that meet their goals and interests. For self-identified pro bono opportunities, it is especially important that you receive pre-approval from the Pro Bono Program Director to ensure it fits within the guidelines of the pro bono program.

- For self-placements, the Pro Bono Director may ask you to complete a Pro Bono Agreement that documents the agreed upon scope of work between the student and the supervising attorney. This helps ensure everyone is on the same page about the scope of work and deadlines.

Is There Any Legal Foundation I Need Before Initiating Pro Bono Service?

YES! Students must review the American Bar Association Model Rules of Professional Conduct and the Idaho Rules of Professional Conduct (or any other state that you are working in).

- https://www.americanbar.org/groups/professional_responsibility/publications/model_rules_of_professional_conduct/
- <https://isb.idaho.gov/bar-counsel/irpc/>

Each student participating in the pro bono program agrees to abide by the policies and procedures of the College of Law and each organization for which students will perform pro bono service. This includes, but is not limited to, rules of confidentiality, conflict of interest, and the unlawful practice of law as outlined in the Idaho and ABA Rules of Professional Conduct.

PROFESSIONALISM AND ETHICS

The unauthorized practice of law and professionalism/ethics issues are among the greatest risks to students (and clients) in performing pro bono work as a student. These issues can arise due to inadequate student attentiveness, inadequate supervision, a combination of these two, and other causes. Students are cautioned to use great care in these matters. The student shall immediately notify the Director if any of the following occurs: an authorized bar association or court brings formal charges of unauthorized practice of law or other ethical violations against a student related to the student's pro bono work; if ethics charges are brought against the student's supervisor as a direct result of the student's conduct in the pro bono work; or if criminal charges are brought against the student or supervisor as a result of the student's conduct in the pro bono work.

CONFIDENTIALITY POLICY

All information students receive or are exposed to, either verbally or in writing, as it relates to prospective or existing clients, MUST remain confidential. Accordingly, information provided by a prospective or existing client may not be disclosed to any source outside of the agency without authorization from the client and supervising attorney, including friends, family, other students, colleagues, opposing counsel, or anyone else outside of the agency. Within the office setting, it is important that information about prospective or existing clients is discussed only in the presence of attorneys of that office.

CONFLICT OF INTEREST POLICY

If, during the course of a student's pro bono work, the student is familiar with a current or prospective client, they must disclose that information to their supervising attorney to determine whether a conflict of interest exists. If it is determined that a conflict exists, the student may be reassigned to tasks not involving that client or matter.

If a student is participating in an externship or internship which may be in conflict with a pro bono project, it is the student's responsibility to immediately notify the supervising attorneys for both programs.

UNAUTHORIZED PRACTICE OF LAW

Students must be cautious to avoid the unlawful practice of law including, but not limited to the following:

- Representing themselves, in any manner, as attorneys or lawyers authorized to practice law;
- Appearing, personally or otherwise, on behalf of another in any judicial or administrative proceeding other than as an attorney-supervised certified law student;
- Providing advice or service to another on any matter involving the application of legal principles to rights, duties, obligations, or liabilities.

During a student's pro bono work, a situation is likely to arise where they will be asked for legal advice, opinion, or knowledge of a particular rule of law. It is very important that students distinguish between giving appropriate information and giving legal advice.

Permissible Law Student Pro Bono

- Provide information on common or routine court rules, procedures, and administrative practices;
- Tell an applicant where to find relevant statutes or rules of procedure;
- Define commonly used legal terms;
- Give referral information, i.e. Idaho Volunteer Lawyers Program;
- Provide public information (if known) contained in court dockets or calendars, court records and other reports;

Examples of Giving Legal Advice

- Applying the law to the facts of a given case;
- Giving an applicant directions about how they should respond or behave in any aspect of the legal process;

- Making recommendations as to whether or not to file any pleadings in a case;
- Recommending the phrasing or content for a pleading including causes of action or defenses;
- Recommending whether an applicant should ask for a continuance in a case;
- Comment about the settlement of a case;
- Interpret a statute or court judgment or decision;
- Perform legal research for an applicant unless supervised by and directed to do so by the supervisor;
- Offer a prediction of the outcome of a case.

Students may inform clients that they are not an attorney and thus are not permitted to offer legal advice. If you are ever in a situation where you are unsure if the questions you are being asked are considered legal advice, you should end the conversation and speak with your supervising attorney immediately.

What Time Counts?

Tracking Hours. Students are responsible for keeping an accurate timesheet, accounting for the time and general tasks completed on each day. It is recommended to keep an excel or word document with hours updated on each day of work. Representations of the number of pro bono hours completed are governed by the Student Honor Code.

Training Time - The time spent in mandatory trainings for the pro bono project may count toward your hours. However, training time will only be credited if the student also participates in the project for which they trained. Training Hours may not exceed actual time spent in pro bono service.

Travel - Travel time is presumptively NOT allowed to count toward pro bono hours; however, in extraordinary cases involving substantial travel time incurred and necessary to make it possible for the student to work in a project involving substantial work hours, partial travel time may be allowed at the discretion of the Pro Bono Director.

Is There Anything Else I Need to Know?

As an academic requirement for graduation and receipt of a degree, students must perform a minimum of 50 hours of pro bono legal service, without compensation, academic credit or other tangible benefit.

- Deadlines. For the minimum 50 hours and graduation recognition, pro bono hours must be completed and reported on or before March 31 in the final spring semester for May graduates (on or before October 31 of the final fall semester for December graduates).
 - Exceptions to this rule may be granted by the Director, but will only be granted if the student makes the request in advance of the deadline, and includes with the request a plan for pro bono completion with the

signature of a supervising attorney. Granting of the exception remains in the discretion of the Director on a case-by-case basis.

- Transfer Students. Students who spend their last four semesters at the law school (as opposed to two-semester visitors) are “transfer students” and are subject to the pro bono graduation requirement.
- Graduation Recognition. Students who complete more than 100 hours prior to the relevant completion deadline (October 31 for December graduates; March 31^sfor May graduates) receive graduation recognition for *Pro Bono Service with Distinction*.

Student Group Projects – Special Rules.

Projects led and organized by officially recognized College of Law student groups are encouraged. For student-group projects which in the Director’s discretion provide adequate training and safeguards, the Director may approve the projects with modified attorney supervision requirements. Additionally, the Director may authorize the student group leader to confirm student work hours via an itemized group report for all participating students, in lieu of a supervising attorney completing an evaluation form. Student organizations should work with the Director on preauthorization and appropriate supervision.

No Work for primary benefit of the College of Law or its Faculty.

Work in which the primary beneficiary is the College of Law or a member of its faculty IS NOT approvable for pro bono hour credit. Examples of projects that do NOT qualify for pro bono include: helping a professor with typical scholarship intended to be published primarily or exclusively in a law review journal; helping draft problems and briefs for the College’s McNichols Moot Court Competition. This prohibition is to be contrasted with work in which the College or a member of its faculty is working on an otherwise-approvable project that benefits an outside client or constituency. As always, seek preapproval from the Director to be sure.

Students Fulfilling Their Requirement by Working Additional Hours After an Externship or Clinic. A student may perform pro bono work extending their time with an externship placement or clinic, after they have COMPLETELY satisfied all hours and requirements for receiving credit (i.e. a student may not count the same hours toward credit and pro bono). This decision is at the discretion of the faculty member overseeing the externship or clinic. Note however, that if a student does not pass the accompanying course (externship or clinic), the student will not be eligible to receive pro bono credit.

Equal Treatment Regarding Placements. All appropriate projects for appropriate clients (including legal work within non-profit entities) shall be equally approvable, regardless of viewpoint or political or other affiliation.

THE PROGRAM RULES AND PROCEDURES ARE AMENDED AND APPLIED BY THE PRO BONO PROGRAM DIRECTOR IN THEIR DISCRETION, CONSISTENT WITH THE GENERAL PROGRAM STRUCTURE AS APPROVED BY THE FACULTY OF THE COLLEGE OF LAW. PLEASE CONSULT THE DIRECTOR REGARDING ANY QUESTIONS, POTENTIAL AMBIGUITIES, OR MATTERS NOT ADDRESSED BY THESE RULES.

IN THE EVENT OF A CONFLICT BETWEEN THIS DOCUMENT AND ANY OTHER STATEMENT ON THE COLLEGE OF LAW WEB SITE OR THE LAW STUDENT HANDBOOK, THIS DOCUMENT SHALL CONTROL.