

PRO BONO PROGRAM RULES AND PROCEDURES

UPDATED: October 5, 2012

Welcome to the University of Idaho College of Law Pro Bono Program! Your 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.

NOTICE: While the Pro Bono Program Director and other College of Law faculty 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 proper documentation in a timely manner.

NOTICE: The following program rules below including overview instructions for the new Symplicity-based procedures for project and hour approval. Please also see the VIDEO TUTORIAL regarding use of the Symplicity Pro Bono Module. The tutorials can be seen here: <http://youtu.be/gNb9Qwb-7eY> (Segments 1&2) <http://youtu.be/AcMD6pJjJO8> (Segment 3). Setting your YouTube viewer to the highest resolution and using full-screen view are highly recommended.

The program rules and procedures are amended and applied by the Pro Bono Program Director in his/her discretion, consistent with the general program structure as approved by the Faculty of the College of Law, and with the advice and consultation of the Pro Bono Advisory Committee. Please consult the Director regarding any questions, potential ambiguities, or matters not addressed by these Rules.

These rules may be amended and re-posted from time to time – for this and other reasons, it is CRITICAL that you obtain the Director's pre-approval before beginning a pro bono project for which you want hour credit, unless that project is on the pre-approved list on the College of Law web site: <http://www.uidaho.edu/law/academics/clinicsprofessionalskills/probonoprogram> . Please check for updates to these rules and the pre-approved placement list before submitting a pre-approval request for any project. The Rules and any amendments shall not be applied retroactively to the detriment of a student seeking hour credit for projects where either: 1) the project was approved by the Director prior a rule change that would make the project un-approvable; or 2) a student started training or work for the project in a good faith and reasonable belief it would be approved, and reasonably has not yet sought and obtained forma approval prior to a rule change that would make the project un-approvable.

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.

Basic Rules and Procedures

1. Basic Requirements. As an academic requirement for graduation and receipt of a degree, students must perform a minimum of 40 hours of pro bono legal service, without compensation, academic credit or other tangible benefit.

2. Pre-Approval. All projects must be pre-approved by the Pro Bono Program Director ("Director") to be eligible for pro bono crediting and graduation requirement completion, except for existing pre-approved placements identified on the Pro Bono Program web page. <http://www.uidaho.edu/law/academics/clinicsprofessionalskills/probonoprogram>

3. Types of work. The work must be legal in nature. This includes but is not limited to the following: client and witness interviewing; preparation for and assistance with trial (NOT pure observation, with no other role and exclusively or nearly exclusively benefitting only the student); drafting legal documents; legislative drafting, analysis and policy interpretation; involvement in

administrative rule-making; and legal research and writing. Consult with the Director if you have any questions, and particularly regarding any type of work that does not obviously fit into any of these categories, even if the particular type of work at issue arises subsequent to pre-approval of the project. This is one important reason pre-approval is required for projects.

4. Types of Clients/Agencies. Students, student groups, and leaders 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 are underprivileged, underrepresented, and without 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 is generally allowed (although students should always specifically consult the Director during the pre-approval process to ensure the placement is appropriate for recognizable pro bono hours). All pre-approved placements identified on the web site are permissible as proper agencies without pre-approval from the Director.

Judicial placements are permissible for pro bono hours, ON THE CONDITION that students obtain pre-approval for each placement/project from the Director (i.e. there are no existing/standing pre-approved judicial placements). Note: allowance of judicial placements for pro bono credit is a new rule, and it applies only to projects for which approval is sought subsequent to the posting of these Rules.

5. Scope of work. To be approved, work must directly utilize students' legal training and be within the scope or spirit of ABA Model Rule of Professional Conduct 6.1, in the judgment and discretion of the Director and on a case-by-case basis.

6. Un-provided For Cases, and No Precedent. All projects require prior approval, unless specifically excepted in these rules or specifically listed as a pre-approved placement on the web site. All matters not addressed herein remain in the Director's discretion and must be the subject of a student request for prior approval. The Director's decision on any particular request, project, rule, or other matter shall not have any precedential effect, and the Director may consider all similar requests on a case-by-case basis.

7. Required Training. Beginning with the Class of 2015, no student may perform any work for pro bono credit until the student has attended a pro bono training seminar conducted by the Director or his/her designee. Such training seminars will be scheduled and announced on more than one date during each school year. A student need only attend one date and receive approval to perform pro bono work.

8. 1L Participation in Pro Bono Work and Training. Students may begin work toward fulfilling the pro bono requirement after completion of the first semester of their first year of law school, unless their first-semester grades cause them to be on academic probation, in which case they may not begin to fulfill the requirement until completion of their second semester of law school. No work performed prior to these start dates will count toward a student's required or certificate/award hours. Training hours that are otherwise appropriate may be considered by the Director for pro bono hour credit, even if the training is performed prior to these start dates – however, prior approval is absolutely required, and the Director's decision is discretionary and on a case-by-case and student-by-student basis.

9. 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.

10. Completion Deadlines. For the basic 40 hours AND additional hour recognition, work 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 absolute discretion of the Director, and on a case-by-case and student-by-student basis.

11. Graduation Recognition. No graduation recognition is given for completion of the basic 40-hour pro bono requirement. Completion of the 40-hour requirement is indicated on each student's degree audit in similar fashion as completion of the Upper Division Writing Requirement.

- Graduation Recognition is given to students who complete and document more than 80 hours prior to the relevant completion deadline (set forth above). This is designated **"Extraordinary Service."**
- Graduation Recognition is given to students who complete more than 120 hours prior to the relevant completion deadline (set forth above). This is designated **"Service with Distinction."**

12. "Above and Beyond" award. This special award will be awarded at the discretion of the Pro Bono Advisory Committee and according to separate procedures not included in these guidelines.

13. Training Hours. Training hours necessary and in preparation for a specific pro bono project may count toward pro bono hours, but only under the following conditions:

- a. The training hours absolutely must be approved by the Director in advance, in the Director's sole discretion;
- b. The project itself must be approved in advance of training (unless it is a pre-approved project listed on the web site);
- c. The amount of training hours must be reasonable and approved by the Director in his/her discretion; and
- d. The amount of training hours credited toward pro bono service **ABSOLUTELY MAY NOT** exceed the actual work hours completed.

14. Travel time. 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 by the Director in his/her sole discretion on a case-by-case basis.

15. Supervisor Negative Evaluation. The Director will not give approval of the student's Pro Bono hours if the supervisor does not vouch for "Satisfactory Performance" of the student (typically using the Pro Bono Supervisor Evaluation Form available on the web site) or if the student abandons the project without supervisor approval. In the case of a negative evaluation or the lack of an evaluation, upon request of the student the Director has discretion (but not the duty) to consult with the supervisor, and if the supervisor thereafter determines to issue a "satisfactory" evaluation, the Director may give the student credit for the hours.

16. Students Fulfilling Their Requirement by Working Additional Hours at the End of an Externship. A student may perform pro bono work extending their time with an externship placement and performing additional work for their externship supervisor, after they have **COMPLETELY** satisfied all hours and requirements for the externship. If the student receives a bad evaluation from the supervisor on the externship evaluation form (or if the supervisor refuses to sign the externship evaluation), the Pro Bono Program Director will abide by whatever decision is made by the Externship Program Director responsible for that particular student placement, who is in the best position to assess the situation. If

externship credit is given in light of the evaluation, pro bono credit will be given; if externship credit is denied, pro bono credit will be denied.

17. Attorney and Non-attorney Supervision. 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 his or her 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. For special student group project rules, see below.

18. Student Group Projects – Special Rules. Projects led and organized by officially recognized College of Law student groups are encouraged. For recurring, well-organized student-group projects which in the Director’s sole 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. Request pre-authorization from the Director.

19. Unauthorized Practice of Law and Professionalism/Ethics Matters. Unauthorized practice of law issues 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, and students are required to attend training conducted by the Director, referenced above, to help mitigate these risks. 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. If any of these events come to the Director’s attention, the Director may, in his or her sole discretion, revoke the student’s hours for the project at issue.

20. Stipend/Scholarship/Fellowship for Pro Bono Placements. Students may not receive compensation or any other tangible benefit for their time spent performing pro bono work. However, this requirement is not violated if a student receives a fellowship, stipend, or honorarium to offset reasonable and necessary out-of-pocket travel/living costs to perform the work, in the Director’s discretion on a case-by-case basis.

21. Equal Treatment Regarding Placements. All appropriate projects for appropriate clients (including legal work within no-profit entities) shall be equally approve-able, regardless of viewpoint or political or other affiliation. For example, legal or law related work for a non-profit church organization would be equally approve-able as working for a non-profit environmental organization. Similarly, work for a non-profit organization focused on improving the law and/or advocating for civil rights (if otherwise approve-able) would be equally approve-able regardless of whether the organization’s focus is perceived as “liberal” or “conservative” in nature.

Additionally, as long as a placement meets all other requirements of the program, students may perform bona fide legal work/research on issues that might be viewed as being of a political nature. No distinction shall be made based upon the content of the cause represented. For example and not as limitation, a student is permitted to perform *legal* work for:

- a. Idaho House or Senate Leadership;

- b. A political party on a legislative issue (e.g., Idaho property tax); or
- c. A non-profit public interest group (e.g., sponsoring a gay marriage initiative or a Takings Clause initiative).

22. Lawyers/Students in the Classroom Projects. Projects in which students provide direct legal education to lay persons (not including law students) may be approved as follows:

- a. Regarding Lawyers in the Classroom initiative projects organized by the Idaho Law Foundation or Idaho State Bar Association, all such projects are presumptively approved, but only for the hours in which the student actually and reasonably performs legal research or analysis in preparation for the event and provides actual legal education to the audience. Pre-approval must be sought, but will be presumptively given.
- b. Regarding legal education projects directly supervised by College of Law faculty, all such projects are presumptively approved, but only for the hours in which the student actually and reasonably performs legal research or analysis in preparation for the event and provides actual legal education to the audience. Pre-approval must be sought, but will be presumptively given.
- c. All other similar projects do not have presumptive approval, and the student must demonstrate that the projects and the anticipated work are within the scope of Model Rule 6.1 as determined in the discretion of the Director.

23. 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 approve-able for pro bono hour credit. Some of the most clear, but not exclusive, examples of prohibited projects 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 pre-approval from the Director if you believe you have an approve-able project not prohibited by this rule.

24. Procedure. The Symplicity Pro Bono module now constitutes the official mechanism for seeking approval of pro bono projects and hours, and for tracking hours. If you are unable to access the pro bono module after logging in, please e-mail the Pro Bono Director or the Director of Career Development to inquire about access. If you are among the Class of 2015 or any subsequent class, the module will not be made accessible to you unless you have attended a required Pro Bono training session with the Director. Procedure:

- a. REGISTRATION
 1. Log in to Symplicity <https://law-uidaholaw-csm.symplicity.com/students/>
 2. On your home page, find the "Shortcuts" on the right-hand side.
 3. Within the Shortcuts, click "Pro Bono Registration & Reporting." (If this link does not appear, you have not been given access to the module – contact the Pro Bono Director or the Career Development Director. If you are in the Class of 2015 or any subsequent class, you MUST attend a training session with the Pro Bono Director to obtain access to the module.)
 4. You will see the initial program registration "Pro Bono Program Registration" page. ALL students (even those who have already completed some pro bono projects) must register before they may record additional pro bono projects or hours. Complete and submit the Registration.

5. Once you complete the Registration, you will see you have access to a new sub-tab for “Pro Bono Reporting.”
6. Please see the tutorials for additional help: <http://youtu.be/gNb9Qwb-7eY> (Segments 1&2).

b. REQUESTING PROJECT PRE-APPROVAL/ENTERING A PRE-APPROVED PROJECT

1. You must do this EVEN if you are working in a pre-approved or ongoing project, because every project needs a separate entry to allow for hour reporting. This includes extension of a project over more than one semester/term – each semester (including summer) needs a separate entry as a new project.
2. Go to the “Pro Bono Reporting” sub-tab identified above. You may now submit a new project for pre-approval.
3. Click the “+Add New” button.
4. Either search for an existing employer in the system using the search box and the resulting drop-down menu, or type in a New Employer/Agency for whom you might be developing a new project.
5. Enter a supervisor name, phone, e-mail, and brief description of the proposed project sufficiently detailed to allow evaluation of propriety for pro bono approval (but NOT including confidential information.)
6. Enter a pro bono term in which the work will be performed.
7. Fill out all requested information.
8. At any time you may click the button near the bottom of the page to save as a draft, to allow time to gather more information for later completion.
9. Once completed, check the button “yes” to submit for approval.
10. Click the “Submit” button.
11. Please see the tutorials for additional help: <http://youtu.be/gNb9Qwb-7eY> (Segments 1&2).

c. SUBMITTING HOURS FOR APPROVAL

1. Once the Director approves your project, the hour entry fields will become visible to you.
2. **WAIT UNTIL YOU HAVE COMPLETELY FINISHED YOUR PROJECT** (or the semester in the case of projects spanning multiple semesters) **TO ENTER HOURS IN THE DROP-DOWN HOUR ENTRY BOX.**
3. Feel free to simply enter the grand total for the project or semester in the drop-down/date hour entry box.
4. **YOU ALSO MUST** complete the text field, inserting dates, descriptions, and hours worked. You may paste from MS Word or Excel into this field.
5. Once both fields are completed, you may submit hours for approval.
6. Please see the tutorials for additional help: <http://youtu.be/gNb9Qwb-7eY> (Segments 1&2).

d. SUBMITTING SUPERVISOR EVALUATIONS AND CHECKING APPROVED HOURS

1. To get approval of and credit for your submitted hours, you must have a satisfactory supervisor evaluation. The new “Evaluation Report” replaces both the old Student Evaluation of Pro Bono form, and incorporates the Supervisor Evaluation form. You must either upload a scanned copy of your supervisor’s signed evaluation form, or if the supervisor has or is willing to get from the College a login account for Symplicity, they may complete the evaluation online within Symplicity.
2. Once your evaluation is in the system, the Director will consider your submitted hours and either approve or disapprove. In either case, instructions will appear on the project/hour log form.
3. **NOTE: when looking at your total hours in the pro bono module, you must filter your results looking for “approved” hours. The default list will show all hours you have submitted, but if they are not approved, they do not count toward your graduation requirement or award status.**
4. Please see the tutorials for additional help: <http://youtu.be/AcMD6pJjJO8> (Segment 3).