

Hofstra Law Pro Bono Programs & Manual

Information for Students and Supervisors



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I. INTRODUCTION

Pro bono publico refers to the ethical responsibility of lawyers to perform legal work free of charge for indigent clients and those for whom the cost of legal services is prohibitive, for the good of the general public. However, access to justice is more compromised than ever, as clients in communities around our country are unable to afford or access legal representation.

Hofstra Law is committed to providing substantial opportunities for our students to engage in a wide range of pro bono activities during law school. It is consistent with our mission to prepare, challenge and inspire our students to make a difference in the world while we advance important ideas through the legal academy, the profession and society. Since our inception, we have believed in the value of an education steeped in legal theory and practical experience and pro bono involvement of our students is a critical component.

We invite all students to get involved in one of our existing pro bono projects. In addition, we welcome students to propose new ideas for pro bono projects. Students can also engage in valuable pro bono work through any of our clinical programs, as well as through a number of field placements in our externship programs. We are proud of the thousands of hours that our students contribute to providing pro bono assistance in our community and around the world.

For further information about pro bono opportunities at Hofstra Law, please contact:

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II. PRO BONO REQUIREMENT FOR ADMISSION TO THE BAR IN NEW YORK

In January 2013, the New York Court Of Appeals enacted Rule 520.16, which requires all candidates seeking admission to the New York bar on or after January 1, 2015 (other than those seeking admission without examination) to complete at least 50 hours of qualifying pro bono service prior to filing an application for admission. The text of the rule can be found on the Court's website at www.nycourts.gov/ATTORNEYS/probono/Rule520_16.pdf.

For purposes of the admission requirement, "pro bono service" must be supervised, performed prior to admission, and be law-related work that:

- (1) assists in the provision of legal services without charge for
 - (a) persons of limited means;
 - (b) not-for-profit organizations; or
 - (c) individuals, groups or organizations seeking to secure or promote access to justice, including but not limited to the protection of civil rights, civil liberties, or public rights;

- (2) assists in the provision of legal assistance in public service for a judicial, legislative, executive, or other government entity; or
- (3) provides legal services pursuant to subdivisions two or three of Section 484 of the Judiciary Law, or pursuant to equivalent legal authority in the jurisdiction where the legal services are performed.

For further information about Rule 520.16, there are a series of answers to Frequently Asked Questions posted on the Court's website at the following link:
www.nycourts.gov/attorneys/probono/FAQsBarAdmission.pdf

Please be advised that you will be required to submit one or more affidavits evidencing proof of your completion of pro bono service hours with your New York bar application materials. The affidavit must include relevant information about your pro bono work, must be signed by you and your supervising attorney, and must be notarized. You can find the form affidavit at this link: www.nycourts.gov/attorneys/probono/AppForAdmission_Pro-BonoReq_Fillable.pdf

While all pro bono service opportunities can provide a valuable experience, students should be aware that not all pro bono activities will satisfy the New York State Pro Bono Admission Requirement. Students seeking clarification should consult the information available on the Office of Court Administration website at the following link:
www.nycourts.gov/attorneys/probono/baradmissionreqs.shtml

III. PRO BONO OPPORTUNITIES AT HOFSTRA LAW

A. Student-Directed Projects

Student-directed pro bono projects are a critical part of the offerings at Hofstra Law. Many of these projects have been in existence for decades and have served as a vital resource for thousands of clients in our community. Several of these projects are open to first-year students, who find the work fulfilling and a welcome opportunity to see the law in action from the moment they begin law school.

Each project has a student leadership team, as well as other student members, all of who are supervised by a faculty member and/or an experienced supervising attorney. Franca Sachs, assistant dean for experiential programs, oversees all of the student-directed projects, assisting with organizational support, community outreach, budget, and administrative responsibilities. Office space for the student-directed pro bono projects is located in Room 038U.

Participation in most of the projects is voluntary, although credit may be available in some circumstances.

Below is a list of current student-directed pro bono projects:

Courtroom Advocates Project (CAP)

Student volunteers in the Courtroom Advocates Project advocate for domestic violence victims when they first enter family court seeking orders of protection. Attorneys from Sanctuary for Families provide appropriate training, mentorship and supervision to law students.

Unemployment Action Center (UAC)

Students working in the Unemployment Action Center represent claimants seeking unemployment insurance benefits in administrative hearings. Professor Susan Joffe serves as the faculty advisor to UAC.

Veterans Legal Assistance Project (VLAP)

Working under the supervision of attorneys, students in the Veterans Legal Assistance Project provide veterans with access to free legal services during two daylong clinics, held in November and April. Professor Jennifer Gundlach serves as the faculty advisor to VLAP.

Volunteer Income Tax Assistance Program (VITA)

Students are trained through the Internal Revenue Service's Volunteer Income Tax Assistance Program to help prepare tax returns for low-income individuals. Clinics are held February-April. The faculty advisors to VITA are Professor Linda Galler and Professor Juli Campagna.

B. Credit-Bearing Pro Bono Opportunities

Since its inception, Hofstra Law has been a leader in clinical legal education and through the years we have always offered a wide range of credit-bearing clinics and field placements designed to provide students with an educational immersion in reflective legal practice, while at the same time providing critical legal assistance to those who cannot afford legal counsel.

Below is a list of our clinical programs that provide civil and criminal legal services to those who cannot afford legal representation on Long Island.

Asylum Clinic

Students represent political asylum applicants in immigration proceedings before asylum officers, immigration judges and the Board of Immigration Appeals.

Clinical Prosecution Practicum

Students work in a local district attorney's office and participate under a student practice order in the prosecution of criminal cases under the close supervision of a faculty member, as well as an assistant district attorney.

Community & Economic Development Clinic

Students provide transactional (non-litigation) assistance to nonprofits, community-based organizations and microenterprises in low-income communities in and around Nassau County, with a preference for clients that contribute to social and economic justice.

Criminal Justice Clinic

Students represent indigent clients charged with misdemeanors in Nassau County District Court and Queens County Criminal Court. Students provide the entire range of legal representation, from initial interview to sentencing.

Family Law Clinical Practicum

Students provide alternative dispute resolution services and draft parenting plans at Hofstra University's Mediation Program for Separating and Divorcing Parents, a demonstration project of Hofstra Law's Center for Children, Families and the Law.

Federal Tax Clinical Practicum

Students represent taxpayers in disputes with the Internal Revenue Service concerning the determination, collection or refund of any tax, additions to tax, penalties or interest under the Internal Revenue Code.

Immigration Clinical Practicum

Students represent clients on various immigration applications, including naturalization, adjustment and family petitions. Students represent clients at immigration hearings or interviews before the Department of Homeland Security (DHS). Most students are partnered with the Central American Refugee Center (CARECEN), a Hempstead nonprofit.

Juvenile Justice Clinical Practicum

Students represent youth at public school suspension hearings, residency matters, and related disciplinary and special education issues.

Law Reform Clinic

Students represent clients in cases involving such issues as housing discrimination and civil rights violations.

Veterans Law Clinical Practicum

Students help veterans to submit disability claims to the Department of Veterans Affairs, appeal denied claims, obtain increases in disability ratings, and upgrade other-than-honorable discharges to become eligible for disability and health care benefits.

Youth Advocacy Clinic

Students represent youth in special immigrant juvenile matters and child maltreatment cases. Students advocate in Family Courts, as well as before Immigration Court judges and hearing officers in Manhattan, on behalf of youth in cases where the allegations range from physical and sexual abuse to educational neglect, abandonment and inadequate supervision.

Each semester and in the summer, a large number of our students work approximately 15-20 hours/week in field placements at non-profit organizations and legal service providers in Nassau and Suffolk County and the five boroughs of New York City, many times providing direct representation pursuant to student practice orders. Such providers include but are not limited to Mental Hygiene Legal Service, Nassau/Suffolk Law Services, The Safe Center, Catholic Health Services of Long Island, New York Civil Liberties Union Nassau County Chapter, and The Legal Aid Society.

In addition, we also offer several specialized field placement courses that provide opportunities for students to engage in pro bono legal services, which are listed below:

Youth Court Externship

The Nassau County Youth Court Program allows juveniles charged with delinquent acts to avoid the traditional court process and instead be judged by their peers. Students are supervised by members of the Nassau County District Attorney's Office and are trained to develop skills to help Youth Court advocates present a case and reach a disposition that is appropriate and constructive for the youth involved.

Hofstra Law in D.C. (HLDC)

Externship

Students can work full time in Washington, D.C. during the fall semester of their 3L year as an unpaid extern at an approved congressional committee, federal government agency, nonprofit organization or public interest group. HLDC students earn 10 credits for their field placement and 3 additional credits for a required companion seminar.

C. Pro Bono Scholars Program

Students in the Pro Bono Scholars Program spend 12 weeks from March through May of their final spring semester in law school by providing 540 hours of pro bono legal assistance in connection with a 10-credit field placement in an approved location, together with a 2-credit weekly seminar. In exchange, Pro Bono Scholars are permitted to take the New York Bar Exam in February (before graduation) and, assuming a passing score and successful completion of the Pro Bono Scholars Program and all graduation requirements, these students will graduate in May and be admitted to practice in New York in June of their graduating year.

IV. PUBLIC SERVICE AWARDS PROGRAM

Hofstra Law's Public Service Awards Program honors graduating students who have completed various numbers of hours of public service during their three years at Hofstra Law. To be eligible for recognition in connection with an award, a student must perform public service work under the supervision of a licensed attorney and/or a faculty member with any of the following:

- (1) nonprofit organizations that provide legal representation to individuals or groups who are underserved; underrepresented or of limited means, including Hofstra Law clinical programs;
- (2) municipal, state, or federal government agencies, legislative bodies, or court systems;
- (3) attorneys providing legal services free of charge or at significantly reduced cost; and
- (4) Hofstra Law student groups that advocate on behalf of clients and for groups that provide legal education.

Students' work will be recognized with awards at the following levels:

- (a) Bronze Level — 250+ hours
- (b) Silver Level — 500+ hours
- (c) Gold Level — 750+ hours

Work performed in a clinical or externship program will qualify, as will any other work performed in connection with a credit-bearing course. However, work done *without credit* will be given greater weight in the calculation of hours for purposes of the Public Service Awards, in that the hours worked will be multiplied by five to reflect the greater value we place on such work. Work done in connection with a credit-bearing course will not be given any additional weight in the calculation of hours.

EXAMPLE: If a student performs 100 hours of work with the Veteran's Legal Assistance Project, that student's hours will be multiplied by five for a total of 500 hours and the student would be granted a Silver Level Award for that work alone. However, if the same student worked in the clinic for 300 hours over the course of a semester, the student would only receive a Bronze Level Award for that work alone.

Paid work *will not* be recognized, except where the student is the recipient of a public interest stipend or fellowship in connection with an unpaid public service position. In addition, non-legal volunteer work can count for 20 percent of the total hours worked toward the Public Service Award.

Please email Franca Sachs at Franca.Sachs@hofstra.edu before beginning the work to seek verification that the work will qualify under the Public Service Awards Program.

Students can track their public service hours on Symplicity, following the steps below:

1. Sign into the portal, then open Symplicity.
2. From your home page in Symplicity, scroll down to the “My Account” section. Click on “My Account” to open your options.
3. Select “Pro Bono” from the options.
4. To report your pro bono work, select the “Add New” button and complete the survey to describe your service.
5. You should complete one survey for each organization with which you have done pro bono work.

V. PRO BONO RESOURCES

The following resources may be of use to students who are interested in finding pro bono opportunities and/or public interest jobs, including internships and externships as well as postgraduate positions.

Probono.net

<http://www.probono.net/>

Probono.net is a national, online resource for legal aid and pro bono attorneys, law professors and students, and related social services advocates. The site promotes collaboration and makes it easier for pro bono attorneys to get involved, saving them time and connecting them with opportunities, training events, mentors, and searchable libraries of practice resources. The site is organized by topical “practice areas” and geographic regions, built and maintained by public interest legal organizations and law firms throughout the country. Members include more than 75,000 advocates from hundreds of public interest organizations and private firms.

PSJD

www.psjd.org/

An online clearinghouse for law students and lawyers to connect with public interest job listings and career-building resources. As a collaborative project among over 200 American and Canadian law schools, PSJD is a free resource for law students and alumni to search among thousands of public interest job opportunities and employer profiles. In addition to its database, PSJD offers an online library of educational and career-building resources for those interested in pursuing a career in public service.

ABA Standing Committee on Pro Bono and Public Service

www.americanbar.org/groups/probono_public_service.html

Offers information about ABA initiatives, pro bono resources, empirical studies about pro bono services, and information about pro bono programs across the country.

Equal Justice Works

www.equaljusticeworks.org

The mission of Equal Justice Works is to create a just society by mobilizing the next generation of lawyers committed to equal justice. Equal Justice Works provides a continuum of programs that begin with incoming law school students and extend into later careers in the profession. It also provides a leading public interest law fellowship program and offers postgraduate, full-time legal positions in public service.

Hofstra Law Public Interest Law News

A weekly email distributed to those Hofstra Law students who opt-in, which includes information relevant to students interested in pursuing public interest or pro bono opportunities or careers. Students can opt-in to the Listserv by sending their request to lawcareer@hofstra.edu.

Hofstra Law Pro Bono & Externship Networking Event

Held each fall at Hofstra Law, the event provides Hofstra Law students with the opportunity to meet with student groups and public interest organizations about pro bono and internship opportunities.

NYU Public Interest Legal Career Fair (PILC)

PILC is held every year in early February, providing students from New York metro area law schools the opportunity to interview and informally talk with public interest employers about internship and permanent positions.

VI. FUNDING PUBLIC INTEREST AND PRO BONO WORK

Below is a list of fellowships and other financial awards that may be available to students who are interested in making a commitment to public interest work and who may be pursuing unfunded legal internships during law school.

Public Justice Foundation (PJF)

PJF awards Public Interest Law Fellowships to students who devote their summers to working in an area of public interest law. Students must volunteer with PJF to qualify for an award, and are encouraged to begin their service hours early in the fall semester. law.hofstra.edu/currentstudents/studentactivities/studentorganizations/pjf/index.html

Child & Family Advocacy Fellowship

Fellows are eligible to receive up to two \$7,500 stipends to support public interest summer internships related to child and family advocacy. law.hofstra.edu/currentstudents/academics/fellowships/childandfamilyadvocacy/index.html

LGBT Rights Fellowship

Fellows are eligible to receive up to two \$7,500 stipends to support public interest summer internships related to LGBT advocacy.

law.hofstra.edu/currentstudents/academics/fellowships/lesbiangaytransgenderrights/index.html

William R. Ginsberg Memorial Fellowship in Environmental Law

The fellowship awards a stipend in an amount up to \$7,500 to a promising Hofstra Law student to pursue public interest environmental work during the summer or academic year.

law.hofstra.edu/currentstudents/academics/fellowships/enviromentallaw/index.html

Dwight L. Greene Memorial Scholarship

The scholarship includes an annual stipend of up to \$5,000 to offset living expenses while working for a not-for-profit or governmental agency dedicated to the advocacy for underrepresented minority groups. law.hofstra.edu/currentstudents/academics/fellowships/dwightlgreenememorialscholarship/index.html

Equal Justice Works AmeriCorps JD

To participate in AmeriCorps JD, you must be a current law student with a placement at a qualifying organization. You must not receive compensation more than \$4,400 from external sources for the same service.

www.equaljusticeworks.org/news/blog/Jennifer-Aronson-2015-AmeriCorps-JD

Peggy Browning Fund Fellowship Program

The Peggy Browning Fellowship Program provides stipends to law students who dedicate their summer to advancing the cause of workers' rights by working for labor unions, worker centers, the U.S. Department of Labor, union-side law firms and other nonprofit organizations. <https://www.peggybrowningfund.org/fellowships/for-law-students>

VII. STUDENTS' RESPONSIBILITIES

While completing any pro bono service, students are responsible for fully complying with the applicable Professional Rules of Conduct and acting in accordance with a lawyer's professional and ethical responsibilities. Students should learn the rules of confidentiality, the attorney-client privilege and the work-product doctrine, and the ethical rules about what they can or cannot talk about outside the office. Students should ask their supervising attorney or faculty advisor for any written materials that may be available, and make sure they are comfortable and understand all the rules. Students should avoid the trap of the unauthorized practice of law. A student may never give legal information or advice to any other person or client without their supervisor's express prior authorization.

Students should review the applicable area of law or procedural rules before beginning their pro bono service. In addition, students may be required to attend an orientation given by the

faculty advisor or supervising attorney prior to beginning their pro bono service. Students should not be afraid to ask questions during training sessions or when getting an assignment. Students are expected to consult with their pro bono supervisor or faculty advisor on a regular basis in regard to all aspects of their work.

Students should be mindful of workplace and professional etiquette. They should report for their pro bono service on time, dressed professionally, and ready to work and they should always turn their work in on deadline.

Students should be careful to document and track their pro bono service hours as they will need that information to verify their service. At the conclusion of their service, students should ask their supervisor to sign their Affidavit of Service for New York's Pro Bono Requirement and the supervisor may ask for a time log before signing the form.

Information Specific to Student-Directed Projects:

Student coordinators are responsible for maintaining regular communication with both the faculty advisor and the Office of Experiential Programs. They are also responsible for making sure the student volunteers are in compliance with the above-outlined responsibilities. For those projects authorized to use the office space in 038 U, you are required to keep the door locked at all times and client files stored properly. Be mindful that this is a shared space and be courteous to your colleagues. For those projects with designated email accounts and phone lines, you are responsible for regularly monitoring those accounts and responding to messages within 48 hours.

VIII. SUPERVISORS' RESPONSIBILITIES

Supervisors of students who are fulfilling their pro bono service requirement for admission to the New York State Bar must ensure that the work is "law-related." The law-related activities must be performed for the benefit of those who cannot afford legal representation and that inability may impede their ability to seek justice within the legal system. The activities may also be performed for those organizations that qualify for tax-exempt status under the Section 501(c) (3) of the Internal Revenue Code. Internships and externships within the court system, and/or state or federal governmental agencies or legislative bodies will qualify for pro bono service. Work performed in connection with partisan political campaigns will not qualify.

Supervisors are asked to carefully consider all work assigned to the student to ensure that it is law-related work. Please note that while students may impart legal information, as students, they may not render legal advice with regard to any pro bono task assigned to them without careful supervision and oversight by the supervising attorney, who has the ultimate responsibility for all student work.

For attorneys in private practice, the work must be pro bono work, such as work done for no fee or at a substantially reduced fee on behalf of a person or group ordinarily unable to secure legal representation. Certain court appointments, particularly those for indigent defendants, fit

within the guidelines. Work on behalf of non-profit community groups is eligible for students' pro bono work if it is done in connection with the supervisor in his or her role as counsel to the organization.

For students working on matters under the direct supervision of an attorney, the ultimate responsibility of such legal matters rests with the attorney-supervisor. Students can work diligently on a matter, perform much of the development of a case including research, drafting documents, contacting clients, and, in some instances, appear in court. *However, as non-attorneys, students must be supervised by a practicing attorney who has ultimate responsibility for the matter.*

Students who engage in advocacy work on behalf of clients in connection with a student-directed pro bono project must be supervised by a faculty advisor or some other designate by the Law School who has expertise in the relevant subject area. Each project must ensure that clients or other beneficiaries of the work provide informed consent. In addition, each project must be of the type for which non-attorney advocates are permitted to engage in the work.

In connection with students' need to satisfy their 50 hours of pro bono service required for admission to the bar in New York, supervisors may be requested to fill out an affidavit certifying the nature of the pro bono work and the completion of the hours. If supervisors need assistance in filling out those affidavits, please email Franca Sachs, assistant dean for experiential programs, at franca.sachs@hofstra.edu.

A. Assignment of Work to Students

Supervisors should give students as much responsibility as possible. Supervisors should also be aware that students engaged in actual practice often confront important ethical and professional responsibility issues; therefore, it is important to discuss such issues with the students.

The type of work assignments that may be appropriate include:

- case preparation;
- citizen legal education;
- client and witness interviewing or other fact investigation;
- drafting documents;
- legislative analysis and policy interpretation;
- research and writing;
- trial assistance in court or administrative hearings;
- case theory development; and
- community organizing.

When assigning work, the student will be more likely to engage in comprehensive and competent work if the supervisor follows a few simple steps. The supervisor should begin by explaining the background and context of an assignment. This helps the law student by providing

a better understanding of the desired product and helps to ensure that the end product is indeed what was requested. The supervisor should be sure to give the student a deadline for completing the work. Even if the supervisor does not need the work completed by a certain date, you should provide a due date to the student, which takes into account his or her remaining workload and how long you anticipate the assignment to take. Whenever possible, ask the student to produce a work product: written or oral projects provide students with the opportunity to show off their blossoming skills and gain experience in a particular area.

At the conclusion of the assignment, provide the student with feedback.

Below are a series of questions you may find helpful to consider when assigning work to students in order to ensure less confusion and more productivity for both you and your law student intern.

- Have you explained the assignment in a manner that takes into account the student's relative experience?
- Have you provided the student with some guidance in terms of starting points for legal research to help focus the issue? Have you asked the student if he or she has questions (again, remembering that some students may be unfamiliar with the substantive area of law you are asking them to address)?
- Have you discussed the basic objectives of the assignment or project with the student? Does the student know how this particular assignment fits into the overall case file and what the assignment will help you or the judge accomplish or resolve? How many issues do you expect the student to address?
- Have you explained the expected time commitments of the assignment? Effective supervisors take the time to explain when drafts of the assignment are due, when the final product is due, and how much time you expect the student to spend on the assignment, including time for research and drafting (keeping in mind that students are often inexperienced and require extra time for thorough research).
- Have you explained what the assignment should look like when completed? How technically perfect do you want the letter/memo/brief to be in terms of case cites, for example? Do you want a rough draft or a more polished draft? Have you provided the student with an example of the format of the memo, brief or letter to assist the student in understanding your expectations?
- Have you told the student how to follow up with you? How often should the student check in with you for a progress meeting? Is your schedule communicated to the student, and the student's schedule communicated to you, so that progress meetings are accomplished as planned? Is the student aware of the format you require or expect? Who should the student ask for assistance if you are unavailable?
- Have you followed up with your student intern? As students begin working on assignments, they often need additional and periodic help, assignment clarification, reassurance or relief. Redefinition of the task is common as the student gathers information and gains a more precise understanding of the assignment. Since interactions during this phase are frequently marked by informality and brevity, the importance of these exchanges can be easily overlooked. Have you been diligent in keeping those scheduled progress meetings?

B. Providing Feedback to Students

Most supervisors are very concerned with making the student's experience pleasant and, as a result, may shy away from the sometimes uncomfortable task of critiquing the student's work. While this impulse is understandable, students need, deserve, and actually want honest feedback on their work.

Students often assume that "no news is good news," and will continue to repeat the same errors unless they are given specific notice that improvement is necessary. Supervisors should provide feedback early on so any problems can be addressed before the internship proceeds too far. Most students are eager to become good lawyers and welcome specific advice on how they can sharpen their skills.

When giving feedback, it is always a good idea to start off on a positive note. For example, even if the student's writing needs improvement, you may be able to honestly commend the student's research abilities. And if the research was weak, perhaps the student's eagerness and curiosity warrant a compliment. While you should not be reluctant to criticize the work where necessary, students are apt to be less defensive if they hear some good news first.

In order to be effective, suggestions for improvement should be as specific as possible. Instead of telling a student to tighten up the writing or use the facts more effectively, take a portion of the student's work and show him or her how to edit and rewrite the assignment.¹

While this kind of feedback can be time-consuming, it is also the most helpful. Below are nine categories you may want to consider when reviewing a student's performance.² You may not need or want to touch on each of these categories during every feedback session, but if you assess the student's performance on a specific assignment with the following categories in mind it may help both you and the student to focus on the areas of concern.

Research Ability

- Knows the basic, non-computer library research tools and how to use them
- Is familiar with computerized legal research resources
- Does thorough, careful and accurate work
- Produces practical and useful results
- Legal Analysis
- Integrates legal concepts and theory with facts in a coherent and logical progression
- Is able to identify relevant issues and distinguish a logical hierarchy among them

Intellectual Capacity

- Displays intellectual curiosity
- Thinks creatively and imaginatively

¹ Adapted from the Greater Los Angeles Consortium on Internships 2007-2008 Field Placement Supervision Manual.

² This list is presented and discussed in A. Alexander and J. Smith, A Practical Guide for Cooperative Supervision for Law Students and Legal Employers, *supra*, at pp. 216-217. See also, Beryl Blaustone, Teaching Law Students to Self-Critique and to Develop Critical Clinical Self-Awareness in Performance, 13 CLIN. L. REV. 601 (2006).

- Develops alternative avenues of argument
- Pursues analogous extensions in areas where the law is nebulous
- Writing skill
- Writes clearly, precisely and persuasively
- Drafts well-organized written assignments
- Cites accurately and properly

Clarity of Oral Expression

- Speaks well and is easily understood
- Is able to discuss issues clearly
- Communicates effectively in various advocacy proceedings

Judgment

- Is mature
- Exercises good common sense
- Knows how and when to ask questions or seek additional consultation
- Sets appropriate priorities in handling assigned work

Responsibility

- Is trustworthy and acts ethically
- Takes initiative
- Is dependable and conscientious about work
- Meets deadlines and manages time well
- Works independently and efficiently without sacrificing quality
- Accepts criticism and constructively modifies work habits

Client Relations

- Develops effective working relationships with clients
- Is sensitive and responsive to client needs
- Knows how to be diplomatically persistent

C. Ethical Considerations

Students who are working on pro bono projects are expected to work in an ethical and professional manner. Below are important ethical considerations for students and pro bono service supervisors.

Law students, like other non-lawyer employees of your office, must abide by the New York State Rules of Professional Responsibility. Pursuant to Rule 5.3, supervising attorneys are responsible for the conduct of law students and other non-lawyers who work under their supervision. If you ever experience difficulty with your intern or have any questions about the ethics of what they are doing, please do not ignore the problem. Address it with your intern as quickly and as constructively as possible. If you continue to experience difficulty with your student's professionalism or ethical behavior, please contact Franca Sachs, assistant dean for

experiential programs. Ethical violations committed by the student should be reported to the Law School.

Students who are working on pro bono matters should be trained to pay particular attention to issues concerning the preservation of client confidences and must protect client information and maintain confidentiality. It is important to remind them that they should discuss cases only with their supervising attorney, not with other students, employers, co-workers, family, friends, or public service program staff.

The line between legal information and legal advice can sometimes be blurry. Even if students are working under a student practice order, they must be careful not to create the impression that they are dispensing legal advice, only an attorney can do that. Supervisors should discuss with the intern at the beginning of their internship what kinds of information they may ethically provide to clients.

Legal information is just that: general information about what the law says or how the court works. If the person seeking assistance is asking “how to” questions, they are seeking legal information. Law students may answer these questions with information about how to fill out forms, general procedures, etc.

Legal advice consists of advising a client to take a particular course of action based on the facts of their case. If the person is asking about what will happen in their particular case or what they should do, they are seeking legal advice, and the student may not answer those questions. Even with a practice order in place, students should not tell any client whether or not they should accept a particular offer, plea deal, etc. Providing such advice puts the student in an attorney-client relationship.

Sections 478 and 484 of the Judiciary Law are the provisions that govern student practice and set forth the specific activities in which a law student may engage. They are re-printed below for your reference.

§ 478. Practicing or appearing as attorney-at-law without being admitted and registered

It shall be unlawful for any natural person to practice or appear as an attorney-at-law or as an attorney and counselor-at-law for a person other than himself in a court of record in this state, or to furnish attorneys or counsel or an attorney and counsel to render legal services, or to hold himself out to the public as being entitled to practice law as aforesaid, or in any other manner, or to assume to be an attorney or counselor-at-law, or to assume, use, or advertise the title of lawyer, or attorney and counselor-at-law, or attorney-at-law or counselor-at-law, or attorney, or counselor, or attorney and counselor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law or in any manner to advertise that he either alone or together with any other persons or person has, owns, conducts or maintains a law office or law and collection office, or office of any kind for the practice of law, without having first been duly and regularly licensed and admitted to practice law in the courts of record of this state, and without having taken the constitutional oath. Provided, however, that nothing in

this section shall be held to apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred three of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities otherwise prohibited by this statute; or (3) to law students who have completed at least two semesters of law school, or to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such students or persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities.

§ 484. None but attorneys to practice in the state

No natural person shall ask or receive, directly or indirectly, compensation for appearing for a person other than himself as attorney in any court or before any magistrate, or for preparing deeds, mortgages, assignments, discharges, leases or any other instruments affecting real estate, wills, codicils, or any other instrument affecting the disposition of property after death, or decedents' estates, or pleadings of any kind in any action brought before any court of record in this state, or make it a business to practice for another as an attorney in any court or before any magistrate unless he has been regularly admitted to practice, as an attorney or counselor, in the courts of record in the state; but nothing in this section shall apply (1) to officers of societies for the prevention of cruelty to animals, duly appointed, when exercising the special powers conferred upon such corporations under section fourteen hundred three of the not-for-profit corporation law; or (2) to law students who have completed at least two semesters of law school or persons who have graduated from a law school, who have taken the examination for admittance to practice law in the courts of record in the state immediately available after graduation from law school, or the examination immediately available after being notified by the board of law examiners that they failed to pass said

exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, acting under the supervision of a legal aid organization, when such students and persons are acting under a program approved by the appellate division of the supreme court of the department in which the principal office of such organization is located and specifying the extent to which such students and persons may engage in activities prohibited by this statute; or (3) to persons who have graduated from a law school approved pursuant to the rules of the court of appeals for the admission of attorneys and counselors-at-law and who have taken the examination for admission to practice as an attorney and counselor-at-law immediately available after graduation from law school or the examination immediately available after being notified by the board of law examiners that they failed to pass said exam, and who have not been notified by the board of law examiners that they have failed to pass two such examinations, when such persons are acting under the supervision of the state or a subdivision thereof or of any officer or agency of the state or a subdivision thereof, pursuant to a program approved by the appellate division of the supreme court of the department within which such activities are taking place and specifying the extent to which they may engage in activities otherwise prohibited by this statute and those powers of the supervising governmental entity or officer in connection with which they may engage in such activities.

Finally, it is important to keep in mind that as a student's supervising attorney, you have the following duties:

- Assume personal professional responsibility and supervision for the student's work;
- Sign all pleadings, legal documents, briefs, memoranda, and client advice letters;
- Assist the student as needed; and
- Appear with the student in all trials and court proceedings if the student is working under a practice order.