

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

Notre Dame Law School has a long history of attracting students who express a desire to use their legal education to help those in need.

By the time these students graduate, however, many feel compelled to enter private practice at large 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 \$50,000 for law school alone — or more than \$100,000 including undergraduate loans. And because of the time demands and billable-hour pressures of such a practice, even the most dedicated and committed Notre Dame lawyer encounters 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. (PBLs), the brainchild of Suzanne McMahon '91 J.D., to find ways to finance student-loan repayments for NDLS alumni engaged in *pro bono* work.

Suzanne formed PBLs in response to a challenge identified in an American Bar Association report entitled *Agenda for Access: 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 the access to the legal services they need, and recommended 11 action steps to improve the access to justice for these individuals. PBLs, a not-for-profit IRS 501(c)(3) corporation, has accepted the goals outlined in *Agenda for Access* 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 concept is relatively simple. PBLs secures funding from foundations and private donors who have expressed an interest in funding *pro bono* legal services programs. Partner law schools then promote the program among their alumni and provide some administrative support for the program. Once the funding and administrative structure are in place, graduates of partner law schools contract with PBLs to perform legal services for identified clients under the guidance of another attorney who serves as a preceptor. Contracted attorneys commit up to five hours per week for 50 weeks per year, to performing *pro bono* legal services. In exchange, PBLs pays the contracted attorney's student-loan creditor \$50 per hour of *pro bono* services performed, up to \$12,500 annually.

In addition to securing funding to offset the educational debt for contracted attorneys, the PBLs partnership program includes an educational component and a community-outreach component. PBLs plans to teach contracted attorneys how to organize their cases through a *pro bono* practice course, and PBLs also plans to prepare an orientation package to introduce clients and local communities to PBLs services. In addition, PBLs intends to undertake a comprehensive effort to integrate the contracted attorney's work into the attorney's local legal community. PBLs aims to involve local private firms, bar associations and legal-services providers to build a community-based partnership to satisfy the 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 resources 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 assume no liability, but who will act as a preceptor for the contracted attorney.

Currently, PBLs is in the process of securing a start-up grant to begin operations. Suzanne McMahon is confident that, after this initial grant is secured, funds to support the actual *pro bono* work will follow and PBLs can begin working with Notre Dame alumni as early as next 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 to NDLS of helping us maintain ties with our alumni who are performing such 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 80 NDLS attorneys each year (and eventually, similar numbers of alumni 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 (pre-tax) in loan-repayment income will help those whose educational debt can add up to more than \$50,000 just for law school.

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