Do Unto Others: Widener Law School Using Pro Bono Service as an Educational Access Outreach Strategy Within the Constraints of Recession Policies

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DO UNTO OTHERS: WIDENER LAW SCHOOL USING PRO BONO SERVICE AS AN EDUCATIONAL ACCESS OUTREACH STRATEGY WITHIN THE CONSTRAINTS OF RECESSION POLICIES

by SYDNEY HOWE-BARKSDALE*

INTRODUCTION

Given the combination of economic turbulence, social reform (including revised and proposed immigration regulations) and technological changes (including a new knowledge economy), this past year has been challenging for many institutions of higher education; however, these difficult times have proven once again that pro bono service does not only help train better lawyers but can also create new strategic opportunities for social justice through philanthropic endeavor. Pro bono service does more than provide greater access to legal services. Pro bono service also improves human capital in the neighboring communities, provides law students opportunities for professional development, and equips law schools with forums to demonstrate institutional commitment to good citizenship.

Widener Law School has begun to convert an institutional commitment to

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1. See ASS'N OF AM. LAW SCH. (AALS) COMM'N ON PRO BONO & PUB. SERV. OPPORTUNITIES IN LAW SCH., LEARNING TO SERVE (1999) http://www.aals.org/probono/report2.html [hereinafter LEARNING TO SERVE] (“Pro bono programs through which opportunities for students to assist local community members in a variety of legal needs—from family law matters to community economic development—are likely to create a friendlier and more hospitable climate between the local community and the school . . . .”).

2. See id. (“Projects in which students do law-related work can help students develop a sense that a responsible lawyer’s professional responsibilities include giving back to the community. . . . [They] help the students learn the importance of high standards of performance. . . . In addition, by establishing individual relationships with poor people and using the law to help them to resolve their problems, law students can begin to learn through experience the reach and the limits of law and the lawyer’s role.”).

3. See id. (“Ninety-one percent of deans [surveyed] believed that the ‘public service projects at [their] school have provided the school with valuable good will in the community.’”).

4. Widener University School of Law is fully accredited by the American Bar Association (ABA) and the AALS. Widener Law, About Widener Law, http://law.widener.edu/About.aspx (last visited Oct. 30, 2009). This two-state (Delaware and Pennsylvania), two-campus law school is one of the eight schools and colleges that comprise Widener University. Id. Widener University is a private, metropolitan university that connects curricula to social issues through civic engagement. Widener University, About Widener University, http://www.widener.edu/about/default.asp (last visited Oct. 30, 2009). Dynamic teaching, active scholarship, personal attention, and experiential learning are key
educational access and pro bono service into a directed agenda of specific outreach strategies. Through the Public Interest Resource Center pro bono programs like the Volunteer Income Tax Assistance Program, the Bank of America Financial Literacy Education Program, the College Access Center (including the Widener Cares Tutoring Project), the DuPont Diversity Pipeline Program, and the Jurist Academy, it informs neighboring communities about the University, admissions and financial aid, and financial literacy. Pro bono programs attract students who would qualify for admission to law school and help prepare those younger students who are interested in higher education. Using site visits, anecdotal comments from clients, and review of documents such as press releases, news archives, e-mails, student assessments, and student supervisor evaluations, one can see evidence of the impact of these programs, effected through three key strategies to provide greater educational access: (1) inform communities of pathways to gain educational access; (2) attract students who would qualify for admission; and (3) help prepare younger students who demonstrate interest and potential in higher education from components of the Widener experience. Id. A comprehensive doctorate-granting university, Widener is comprised of eight schools and colleges that offer liberal arts and sciences, professional, and pre-professional curricula leading to associates, baccalaureate, masters, and doctoral degrees. Id. The university’s campuses in Chester, Exton, and Harrisburg, Pennsylvania, and Wilmington, Delaware, serve some 6700 students. Id. Visit the university website, www.widener.edu.

5. Widener School of Law’s Public Interest Resource Center will celebrate its fifth anniversary in February 2010. The Public Interest Resource Center is the headquarters for public interest work at Widener Law School. PIRC helps students find opportunities to do volunteer legal work in public interest agencies and government offices primarily throughout Delaware, Pennsylvania, and New Jersey. Opportunities are available during the school year, between semesters, and post-graduation at PIRC’s numerous partnerships.


7. See Widener University, Outreach, http://www.widener.edu/diversity/outreach/default.asp (last visited Oct. 30, 2009) (noting that the Bank of America Financial Literacy Education Program provides financial literacy classes to children at the Latin American Community Center in Wilmington, Delaware).


10. See Widener Law, JURIST Academy Encourages Minority Undergraduates to Pursue Law School, June 17, 2009, http://law.widener.edu/NewsandEvents/Articles/2009/de061709juristacademy.aspx (noting that the JURIST Academy is a twelve-day program for local minority high school students interested in law school).
the neighboring communities. All three of these key strategies positively impact the human capital of many individuals in neighboring communities and one can contend that social capital has been affected positively as well since new community partnerships emerge from existing ones.

I. THE DOWNTURN AND THE LEGAL STUDENT LABOR MARKET

The current recession has not forgotten about the pro bono sector of the legal industry. The recession has affected areas of practice that have traditionally been thought of as recession-proof, to the extent that Mary Waldron, of LawCrossing.com, has provided a list for law students of areas of law which should be considered as being recession-proof.\(^{11}\) A. Harrison Barnes, CEO of LawCrossing, selected areas of law that involve regulatory matters.\(^ {12}\) Government or public law has the most regulations in the government sector; immigration rules are continuously changing and the number of immigrants in the United States is always increasing; taxation law has been one of the most active areas in lateral hiring, especially for attorneys who have transactional, corporate, and international tax experience.\(^ {13}\) However, even these sectors have not gone unscathed in the current recession.\(^ {14}\)

Public interest law agencies, organizations, and firms have been devastated nationwide by the current recession. For example, the City of Philadelphia’s District Attorney’s Office typically hires thirty-five new attorneys per year, but in 2009 it offered only twelve positions and ultimately rescinded all of them owing to budget constraints.\(^ {15}\) For the first time in decades, the Public Defender’s Office of Philadelphia did not hire a new class of attorneys in 2009.\(^ {16}\) The King County Prosecutor’s Office in Seattle cut thirty deputy prosecutors’ salaries from its 2009 budget in an effort to help bridge the sixty-eight-million-dollar gap in the city’s budget.\(^ {17}\) Seattle’s troubles are common and spread throughout the country, from


12. See id. ("‘General trends show that attorneys specializing in regulatory matters in any industry have more chances to stay put in this downturn,’ says A. Harrison Barnes, CEO of LawCrossing.").

13. Id.


15. See Lynne Abraham, Dist. Attorney, FY10 Budget Hearing Statement (May 5, 2009), available at http://www.phila.gov/districtattorney/pdfs/2009pdfs/FY10_Budget_FINAL_Dr.pdf, at 5 (stating that the Philadelphia District Attorney’s Office imposed a hiring freeze in October, 2008); see also Gail Shister, Budget Pinch Costs Jobs at D.A.’s Office, THE PHILA. INQUIRER, Feb. 29, 2009, at B2 (stating that all twelve offers to the incoming fall 2009 class were rescinded due to budget constraints and that the usual incoming attorney class size is thirty-five).


coast to coast. Georgia closed its Metro Conflict Defender Office. Public defenders’ offices in Minnesota, Kentucky, Florida, and Georgia said that as a result of the cutbacks, they will no longer be able to handle their caseload. Similarly, legal aid programs, which assist indigent clients in non-criminal proceedings, are having their funding cut across the country. Even the corporate sector has been hit hard by the economy; with the collapse of the stock market, corporate work has dried up. The Philadelphia Business Journal reported approximately a twenty-five percent decrease in local lateral partner movement in 2008 compared to 2007. The report suggests that this is a good indicator of a recession within the legal field because not only do firms not have the capacity to take on more attorneys, but in difficult economic times, the Philadelphia Business Journal has found attorneys generally “hunker down.”

Attorneys with a firm know where they stand financially, but might not have the same level of insight with a new firm. As Frank D’Amore, legal recruiter with Attorney Career Catalysts of Haverford, said, “[i]f I had a recruiting business that relied on [placing] associates, I’d be hurting right now.” To a certain degree it is impossible not to feel the burden that the poor U.S. economy is placing on the entire job market. While the legal profession may contain certain jobs that are recession-proof to a small degree, there is no practice area immune to a recession and it is important that students come out of law school with as many skills as possible to help them combat a potential legal recession.

After surviving their first year, law students will inform anyone who will listen that trying to find a job is usually at the forefront of their minds. Grades, law review, and moot court are certain factors that employers look for; however, the positions listed on Monster.com or Lawcrossing.com do not require a 3.0 grade point average or moot court membership. There, the critical qualification is one to two years experience. In addition to providing experience, pro bono work can provide students with other intangibles that will help them succeed in a difficult legal marketplace. The importance of this experience has been discussed

19. Id.
previously—the intangibles that a voluntary program can provide students are what can separate candidates.

The legal marketplace is saturated with attorneys looking for work, and they have to compete.29 The same ingenuity, resourcefulness and people skills that help pro bono attorneys obtain employment and complete their work are taught in voluntary pro bono programs. Personal attention is also a quality, one can argue, that can be attained through a voluntary pro bono program, and not through a mandatory one.30 When clients call students who are participating in a voluntary program, the students are more likely to call them back promptly and be attentive because the students genuinely want to help clients.31 A mandatory program may not foster the same level of commitment to clients.32 Students being forced to participate may not deliver the same level of service as can be found in a voluntary pro bono program.33 Robert Granfield’s 2007 study indicates that a major point of law school pro bono experience is socializing the law student into the law profession.34 To this point, it is important to note “that there are far more law schools that require pro bono offered through clinical ‘for credit’ courses than there are those that require it through activities independent from other law school activities.”35 A primary purpose of this requirement is to develop the skills of a law professional. Students who participate in a voluntary pro bono program will likely acquire the tools necessary to be successful in securing employment and subsequently maintaining relationships with clients.36 The pro bono model set forth by Widener Law School can help students to fulfill the ultimate goal of law school—to become well-rounded attorneys.

29. Shih, supra note 14, at B1.

30. See Robert Granfield, Institutionalizing Public Service in Law School: Results on the Impact of Mandatory Pro Bono Programs, 54 BUFF. L. REV. 1355, 1404-05 (2007) (“[I]n mandatory programs, the emphasis on skills training may usurp the question of professional commitment to serving underrepresented populations. . . . One potential drawback of mandatory pro bono programs and their tendency to focus on skill-based benefits might be that they unintentionally dilute the meaning and purpose of pro bono.”); see also LEARNING TO SERVE, supra note 1 (noting that law schools with mandatory pro bono programs require participation in the school’s pro bono program as a condition of graduation as contrasted to law schools with voluntary pro bono programs that make participation in these programs optional).

31. Granfield, supra note 30, at 1404-05; see also ESTHER F. LARDENT, THE CASE AGAINST: “JUST SAY No . . . TO MANDATORY PRO BONO” 1-2, http://www.probonoinst.org/pdfs/justsayno.pdf (“The argument can be made that attorneys, forced to provide service, may do so in a grudging manner that discourages clients from continuing to press their legal claims.”).

32. Granfield, supra note 30, at 1404-05.

33. Id.

34. Id. at 1403-04.

35. Id. at 1403.

36. Id. (“Many [attorneys] spoke directly about the impact of this [pro bono work] experience on developing skills in working with people, in litigation experience, in interviewing, and in drafting documents.”).
II. THE IMPORTANCE OF PRO BONO SERVICE IN THE LAW SCHOOL COMMUNITY

One tenet of professional responsibility in the American legal tradition is voluntarily providing free legal services to the indigent.37 There is a long established history of the legal profession’s commitment to pro bono public service and its belief that equality of justice depends upon providing access to the justice system by competent counsel.38 Few would contend that pro bono publico, either in the profession or in law schools, does not serve the public good. Despite these strong beliefs, the “majority of practicing lawyers are not engaged in pro bono service.”39 For well more than a decade, the ABA and the AALS have strenuously urged a greater commitment to pro bono service.40 As a result, many argue that law school pro bono programs advance the philanthropic and pedagogical aspirations of legal institutions and provide a specific skill set to students that may give them the needed edge to obtain and maintain a job in a competitive marketplace.41 The need for expanded pro bono services is nothing new.42 However, using pro bono work for expanded philanthropic outreach in the form of an educational experience for law students is.43

The need for expanded pro bono service prompts two questions of mandatory pro bono service requirements for law school graduation: whether mandatory service requirements in law schools actually provide more and better pro bono service, and whether students learn the values of choosing to contribute their time when they are forced to contribute their time. Many would argue yes,44 the sheer number of hours provided would expand pro bono publico, and the AALS encourages availability and, to a certain extent, the requirement of pro bono service; however, the requirement of pro bono service is inconsistent with what the

38. Id. at 494.
40. See Storrow & Turner, supra note 37, at 494-95 (noting that the ABA and AALS have urged expanding pro bono services and that this commitment to pro bono service is evident in the 1993 addition to the MODEL RULE OF PROFESSIONAL RESPONSIBILITY 6.1, which encourages attorneys to devote at least fifty hours of pro bono service per year).
41. See LEARNING TO SERVE, supra note 1 (“Students also derive more immediate and instrumental values from pro bono programs. They use them to meet local lawyers who can be helpful to them in finding later employment. They use them to add to a resume by demonstrating some experience in working as a lawyer.”).
42. Storrow & Turner, supra note 37, at 494-95.
43. See id. at 498 (noting that events that indicate recent developments in the area of law student pro bono work include revisions of the ABA’s accreditation standards encouraging schools to provide pro bono opportunities to law students, the AALS’ choice of the theme “Pursuing Equal Justice: Law Schools and the Provision of Legal Services” at its 2001 annual meeting, and various AALS regional conferences on the subject on designing curricula aimed at promoting equal justice).
44. Granfield, supra note 30, at 1402 (“Those who graduated from a law school with a mandatory pro bono requirement tend to be more supportive of pro bono requirements in the legal profession than are respondents who graduated without such a requirement.”); see also LEARNING TO SERVE, supra note 1 (“[T]he Commission believes that schools would be wise to consider seriously adopting a required public service program.”).
ABA has determined that it is good for the profession.\textsuperscript{45}

There are, however, several compelling examples of the legal profession’s pressure on law schools to move to a mandatory model. In 1996, the ABA added to its accreditation standards a call to law schools to “encourage students to participate in pro bono activities and provide opportunities for them to do so.”\textsuperscript{46} Granfield’s empirical study cited that approximately ninety percent of all law schools have an organized pro bono program.\textsuperscript{47} The AALS Commission on Pro Bono and Public Service Opportunities in Law Schools published “Learning to Serve” (1999)\textsuperscript{48} in which the Commission advocated that law schools “would be wise to consider seriously adopting a required public service program.”\textsuperscript{49} There have been national meetings on how to establish pro bono programs in law schools,\textsuperscript{50} guides written to assist in their establishment,\textsuperscript{51} and new sections of the ABA and AALS created to support pro bono service efforts.\textsuperscript{52} These events were followed by the publication of the MacCrate Report\textsuperscript{53} and the recent Carnegie Foundation for Teaching and Learning report, both of which strenuously advocate a more practical approach in the preparation of new attorneys, which should include encouraging pro bono service.\textsuperscript{54} All of these developments serve a great public good and social justice,

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\item \textsuperscript{45} See Storrow & Turner, supra note 37, at 496 (“[T]he ABA’s Commission on the Evaluation of the Rules of Professional Conduct recently considered proposals to make pro bono service mandatory. . . . [T]he Commission ultimately rejected the proposal, expressing its view that to require lawyers to perform pro bono service would likely not effectively inspire them to do so.”); see also id. at 498 (“[T]he ABA amended its accreditation standards to call on law schools ‘to encourage students to participate in pro bono activities and to provide opportunities for them to do so.’” (quoting ABA, RECIFICATION OF ACCREDITATION STANDARDS 302 (1996)); LEARNING TO SERVE, supra note 1 (stating that the AALS supports law schools making available well-supervised law-related pro bono opportunities and either requiring the students’ participation or finding ways to attract the great majority of students to volunteer).
\item \textsuperscript{46} LEARNING TO SERVE, supra note 1 (quoting ABA, RECIFICATION OF ACCREDITATION STANDARDS 302 (1996)).
\item \textsuperscript{47} Granfield, supra note 30, at 1356 (citing LEARNING TO SERVE, supra note 1).
\item \textsuperscript{48} LEARNING TO SERVE, supra note 1.
\item \textsuperscript{49} Id.
\item \textsuperscript{50} See id. (noting that the AALS conducted a national survey of schools about their pro bono programs and held meetings on pro bono programs in various U.S. cities).
\item \textsuperscript{51} Id.
\item \textsuperscript{52} See id. (pointing out that in 1997, the AALS created the Commission on Pro Bono and Public Service Opportunities); see also American Bar Association, The Standing Committee on Pro Bono and Public Service and the Center for Pro Bono, http://www.abanet.org/legalservices/probono/committeeinfo.html (last visited Oct. 30, 2009) (describing the Standing Committee on Pro Bono and Public Service and the Center for Pro Bono).
\item \textsuperscript{53} MACCRATE REPORT, AN EDUCATIONAL CONTINUUM, REPORT OF THE TASK FORCE ON LAW SCHOOLS AND THE PROFESSION: NARROWING THE GAP (1992), available at http://www.abanet.org/legal ed/publications/onlinepubs/maccrate.html (“Law schools and the organized bar should work together to make law students aware of the full range of opportunity for professional development . . . in the practice of public interest law in all its dimensions, as well as the profession’s expectation that all lawyers will fulfill their responsibilities to the public and support pro bono legal services for those who cannot afford a lawyer.”).
\item \textsuperscript{54} WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS 138 (2007) (“Law schools hold another potential for strengthening students’ development as moral, as well as legal, reasoners and actors: the legal services provided free pro bono publico.”).
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and demonstrate steadfast acknowledgment of the urgent need for increased access
to the legal system and greater commitment to pro bono service.55

Conversely, Robert Granfield's study answers this question with a resounding
no.56 Granfield found that students with voluntary pro bono requirements in law
school actually participated in pro bono work at a slightly higher rate in their
current jobs than those with mandatory requirements.57 In the case of Widener
School of Law, the answer is likewise no. Widener would argue this primarily
because a mandatory program would not best serve its law students. There are
clearly benefits to having a well-run voluntary pro bono service program in
American legal education and specifically at Widener School of Law. This Article
will examine some of the considerations relevant to Widener Law’s choice in
creating a specifically tailored voluntary pro bono program and its commitment to
maintaining a culture that avidly and actively promotes social justice.

In 1997, the AALS Commission on Pro Bono and Public Service
Opportunities conducted a national survey of law schools’ pro bono programs and
found that law school pro bono programs serve two central objectives: (1) to
develop the “pro bono habit” and increase the likelihood that students will be
involved with pro bono activities after graduation and (2) to enhance the
educational experience.58 Widener School of Law recognizes the importance of
both objectives, especially the second. The latest evidence questions the
effectiveness of mandatory programs.59 That said, Widener School of Law would
add to this short list of the values it hopes to impress on students. Widener Law
School contends that the purposeful recognition of humanity in legal work,60 the
conscious commitment to social justice,61 and the provision of a stellar quality of

55. See Learning to Serve, supra note 1 (“[P]ro bono projects provide desperately needed legal
services to people who cannot afford them.”); see also MacCrAte Report, supra note 53 (noting both
the opportunity and expectation for engagement in pro bono service); Sullivan, supra note 54, at 138
(noting the potential of pro bono work to contribute to law students’ personal and professional growth);
Granfield, supra note 30, at 1355 (“The legal profession’s commitment to the expansion of pro bono has
achieved significant gains in recent years.” (citing Scott L. Cummings, The Politics of Pro Bono, 52
UCLA L. REV. 1 (2004))); Storrow & Turner, supra note 37, at 498 (noting law schools’ duty to impart
a sense of responsibility in their students); American Bar Association, supra note 52 (describing the
mission and activities of the ABA’s Standing Committee on Pro Bono and Public Service and Center for
Pro Bono).

56. Granfield, supra note 30, at 1411.
57. Id. at 1382.
58. Learning to Serve, supra note 1.
59. Granfield, supra note 30, at 1387, 1411. Granfield’s research indicated that among practicing
attorneys, there is no greater chance of instilling the pro bono habit using a mandatory pro bono service
requirement than not requiring pro bono service. Id. Granfield surveyed 474 practicing attorneys who
graduated from three law schools with mandatory requirements. Id. at 1376. Despite the fact that 75
percent felt generally satisfied with their pro bono placements (including level of supervision, variety of
placement choice, level of responsibility, and opportunity for client contact), only half of the
respondents believed their law school pro bono experiences made them any more committed to doing
pro bono as a practicing attorney. Id. at 1379.
60. See Learning to Serve, supra note 1 (finding that pro bono projects expose students to the
needs of indigent individuals and help students understand that giving back to the community is a
lawyer’s professional responsibility).
legal service\textsuperscript{62} are equally important objectives for new graduates of any law school. According to a Public Service Certificate Program Proposal made by an Ad Hoc Committee at Widener Law School when asked to investigate the development of such a program at the school, the committee reported:

Public service opportunities may provide students with their only direct knowledge of how the legal system serves (or fails to serve) the poor. Public service work can make students aware of the legal issues faced by poor people and the nature of the judicial and bureaucratic processes that govern those issues. It can also affect students’ perceptions of the substantive issues discussed in doctrinal courses. Involvement in public service can provide opportunities for students to learn legal skills, explore alternative career options, develop professional contacts, and become involved in their communities.\textsuperscript{63}

By performing public service, students learn about the way law affects individuals; these opportunities will shape students’ future practices by using a hands-on approach to instruct about the attorney-client relationship and the importance of a client’s role in the decision-making process of his or her legal case.\textsuperscript{64}

Developing and modeling a culture of commitment to social justice is required to foster a conscious commitment.\textsuperscript{65} The AALS study emphasized the influence of the dean and faculty on the culture of any law school.\textsuperscript{66} The dean and faculty have an important role to play in encouraging student enthusiasm for public service.\textsuperscript{67} Using a dual standard—a mandatory requirement for students and no requirement for faculty—may send mixed messages and could discourage the integration of pro service.

\textsuperscript{62} See Stanford Law School, Pro Bono Program, http://www.law.stanford.edu/program/centers/pip/pro_bono/ (last visited Oct. 30, 2009) (suggesting that by doing pro bono and clinical work students can learn important skills including client interviewing and the formation of legal arguments). Furthermore students are exposed to real-world situations and a lawyer’s possible impact on an individual’s life. \textit{Id.; see also} ROBERTA MANN ET AL., supra note 63, at 2 (emphasizing public service work as a way to help students hone legal skills and can raise awareness among students about the legal issues faced by indigent individuals).

\textsuperscript{63} ROBERTA MANN ET AL., WIDENER SCH. OF L. AD HOC COMMITTEE ON PUBLIC SERVICE CERTIFICATION, PUBLIC SERVICE CERTIFICATE PROGRAM PROPOSAL I (2004).

\textsuperscript{64} See Stanford Law School, Pro Bono Program, http://www.law.stanford.edu/program/centers/pip/pro_bono/ (last visited Oct. 30, 2009) (suggesting that by doing pro bono and clinical work students can learn important skills including client interviewing and the formation of legal arguments). Furthermore students are exposed to real-world situations and a lawyer’s possible impact on an individual’s life. \textit{Id.; see also} ROBERTA MANN ET AL., supra note 63, at 2 (emphasizing public service work as a way to help students hone legal skills and can raise awareness among students about the legal issues faced by indigent individuals).

\textsuperscript{65} WILLIAM SULLIVAN, ET AL., THE CARNEGIE FOUND. FOR THE ADVANCEMENT OF TEACHING, EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW 139 (2007); see DEBORAH L. RHODE, PRO BONO IN PRINCIPLE AND IN PRACTICE: PUBLIC SERVICE AND THE PROFESSIONS 156 (2005) (finding a supportive law school culture is an important component of encouraging public interest activities at a law school).

\textsuperscript{66} LEARNING TO SERVE, supra note 1; \textit{see} Storrow & Turner, supra note 37, at 498-99 (noting how a clinical professor at Loyola Law School in Los Angeles found that over time, the pro bono requirement integrated as part of the law school’s culture).

\textsuperscript{67} LEARNING TO SERVE, supra note 1; \textit{see also} Storrow & Turner, supra note 37, at 498-99 (citing Professor Deborah Rhode, who has complained that although the majority of law school deans agree there is a duty to encourage students to perform pro bono later in their careers, most students do not participate in pro bono projects).
bono service and related issues in the general coursework. At Widener School of Law, the working premise is that pro bono service is inherently valuable and should be connected to as many aspects of the students’ experiences as possible. In a comment to celebrate the opening of the public service wing of the Law School in September 2009, Dean Ammons said, “Experimental learning and pro bono service are the hallmark of a Widener Education.” Faculty have helped initiate many new placement and service opportunities, including the MLK Semester of Service. Dean Ammons continues to highlight these accomplishments. One part of Dean Ammons’ May 16, 2009 Commencement Address at WUSL Delaware Campus emphasized the importance of faculty pro bono service,

The privilege of being a part of this profession requires that you invest in your communities and others. A number of our faculty lead by example. This year [2008-2009], 28 of our [60 full-time] faculty members reported that they spent nearly 3,268 hours giving back to the community.

With an understanding that there was pro bono service that was not reported, this recognition of the reported work makes it reasonable to assume that at least half of the full-time faculty participates in pro bono publico. At faculty staff meetings and other open forums, Dean Ammons made many other statements of praise similar to her Commencement address, which informed the Widener School of Law community that pro bono work was valued and important in the school culture.

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68. See LEARNING TO SERVE, supra note 1 (emphasizing the importance of faculty participation in pro bono activities as a way to encourage student involvement).

69. Linda L. Ammons, A Message from the Dean, WIDENER L. MAG. Fall 2008 at 2, available at http://issuu.com/ciking/docs/sol_fall_2008?mode=embed&documentId=081015154138355ff5fcfed8405 cac1ade924addc2db&layout=grey (“While others may be debating how and whether to integrate more skills training and service learning, Widener is demonstrating daily how theory, doctrine, skills and service need not be islands unto themselves, but are interconnected.”).


71. The MLK Semester of Service is a program at Widener School of Law where students can become MLK Service Fellows if they perform at least eight hours of law-related service and five to eight hours of charitable labor for a combined total of at least twelve hours in twelve weeks. Widener Law, Law & Inequality Project Clearinghouse, Martin Luther King Semester of Service, http://blogs.law.widener.edu/laip/2008/01/23/martin-luther-king-semester-of-service/ (last visited Oct. 30, 2009).

72. See Widener Law Graduates Receive Degrees, Widener Law Homepage, Public Relations, May 29, 2009, http://law.widener.edu/NewsandEvents/Articles/2009/hb051809graduation.aspx (commending 2009 Widener Law graduates by saying, “Lawyers have the awesome capacity to change lives and affect history. The tools we use are words . . . words can heal or hurt, build or destroy, motivate or oppress. Use a word to make this world a better place.”).

73. See Ammons, supra note 69, at 2 (detailing and giving examples of the community service work completed by thirty-one Widener Law School faculty members).

74. Id. at 2 (emphasizing that passion for engagement in the profession and the community is an important aspect of Widener Law School and citing the large number of faculty and students who donate their time voluntarily to pro bono legal services efforts).
“consciousness” in the traditions of Widener School of Law and modeled the kind of behavior expected by all at the Law School.

Praising faculty and student involvement in pro bono programs demonstrates Widener Law School’s commitment to public service and the needs of lower income people.\textsuperscript{75} This praise is enhanced by appropriate forms of recognition such as internal and external publicity, media coverage, reinforcement of connections with alumni, and community partners/practitioners.\textsuperscript{76} Such programs provide tangible benefits to the practitioners in the assistance which they receive from student volunteers, a sense of professional satisfaction in the ability to mentor future graduates, and appreciation that the law school has made this happen through its commitment to such a program.\textsuperscript{77} In return, students receive additional mentoring, networking, and potential job assistance.\textsuperscript{78}

Modeling a culture of commitment is part of how Widener School of Law addresses the needs of the “whole” Widener Law student. Many Widener Law School students are first-generation law students and find themselves caught between the worlds of their families and their profession. These students realize and express a strong need to connect with those populations which have traditionally been underserved by the legal profession. As a result, at Widener School of Law, the concept of pro bono publico is not limited to voluntary, free legal services to indigent clients. For Widener Law School, public service encompasses unpaid non-profit work, as well as community development activities, because it may allow some of Widener Law School’s students to serve their home communities in ways one may not imagine.

There is concern that law students in mandatory programs may not provide

\textsuperscript{75} Id.; see ABA, Directory of Law School Public Interest and Pro Bono Programs, Law School Pro Bono Programs – Faculty and Administrative Pro Bono, available at http://www.abanet.org/legalservices/probono/lawschools/pb_faculty.html (last visited Oct. 30, 2009) (displaying an excerpt from Widener Law School regarding their pro bono programs). Under Widener Law School’s entry, the ABA website says that:

[S]imilar to our student policy, rather than require faculty pro bono service, we [Widener] encourage and reward it. Our school has adopted a formal voluntary recognition policy for faculty pro bono service. Faculty members who report at least 30 hours of pro bono service for the academic year are distinguished with a red cord at graduation. In its first year, the 2005-2006 academic year, 18 faculty members received this distinction for performing a total of over 2500 hours of pro bono service.

\textit{Id.}

\textsuperscript{76} See Ammons, supra note 69, at 2 (using the Widener Law Magazine to emphasize public service among students, faculty and alumni); Widener Law Given Pro Bono Award, Widener Law Homepage, Public Relations, \textit{Widener May 12, 2008, available at} http://law.widener.edu/NewsandEvents/Articles/2008/hb051208probonoawards.aspx (noting Widener Law School’s recognition by the Pennsylvania Bar Association with a 2008 Pro Bono Award).

\textsuperscript{77} RHODE, supra note 65, at 48-49 (finding that law school pro bono placements offer opportunities for outreach to law school alumni who can serve as sources, sponsors, and supervisors of projects).

\textsuperscript{78} See The Case for Widener Law, Widener University Homepage, available at http://law.widener.edu/About/TheCaseforWidenerLaw.aspx (last visited Oct. 30, 2009) (emphasizing how Widener Law’s legal clinics and externship programs provide students with the opportunity to work with real clients, improve their résumé and create a professional network).
high quality legal services. 79 An argument can be made that law students, forced to provide service, may do so in a grudging manner that discourages clients from continuing to press their legal claims. 80 Law students, typically pressed for time, doing pro bono against their will, are less likely to seek out the additional training and support usually needed to handle specialized cases. 81 As a result, the possibility of a mediocre level of care increases. 82

All would be better served if, together, law schools worked to increase the resources available to make voluntary pro bono efforts as effective as possible. 83 Although pro bono service is only accomplished through the provision of free legal service, there is a line drawn between providing legal services for free and providing legal services that result in a net loss. 84 The giving of time is not the only consideration equated with pro bono. 85 In order to provide services, students are required to travel, which includes consumption of gas, wear and tear on their cars, and paying for parking. 86 These expenses are not trivial, especially considering law students already incur thirty, sixty, or even one-hundred thousand dollars of debt to get through law school. 87 Not every law school has the alumni or community support to subsidize the inevitable expenses necessary to support mandatory pro bono requirements. 88

Finally, Widener Law School has many part-time law students whose needs must be considered. The demands on their time (full-time or part-time jobs, families, et cetera) may make mandatory pro bono unreasonable. 89 The students in

79. See Lardent, supra note 31 (arguing that lawyers in mandatory pro bono programs may provide services in a grudging manner or neglect to seek out the necessary support and training).
80. Id.
81. Id.
82. Id.
83. Id.
84. See id. (arguing that a mandatory program may damage or lessen existing pro bono efforts through a political backlash or a cheapened definition of pro bono service); Granfield, supra note 59, at 1364 (quoting an attorney with the Legal Aid Society of Northeast New York who said a mandatory program “will dilute the [State Bar’s] commitment to increase access to legal services for the poor, even as the need for these services continues unabated”).
85. See LEARNING TO SERVE, supra note 1 (finding that over half of deans surveyed at various law schools would like to expand public service projects but do not have the necessary funds).
86. See RHODE, supra note 65, at 53 (finding not all schools are able to invest the necessary resources so all students can participate in pro bono activities). But see WIDENER SCH. OF L. AD HOC COMMITTEE ON PUBLIC SERVICE CERTIFICATION, Public Service Certification Program Proposal, 1, 2 (2004) (proposing that a voluntary pro bono program should ideally not include financial compensation or class credit).
87. Shih, supra note 14, at B1.
88. RHODE, supra note 65, at 53; see id. at 156 (discussing a study done where a disproportionate number of law school graduates at Yale Law School mentioned Yale’s financial and philosophical support through opportunities, public interest placements and loan forgiveness programs as reasons to participate in public interest and pro bono activities). But see LEARNING TO SERVE, supra note 1 (detailing how Indiana University School of Law has shared student office space within the law school for pro bono programs and provides financial assistance to the programs).
89. RHODE, supra note 65, at 51 (finding the burdens of mandatory pro bono programs may be greatest for particular students like those who have family obligations or financial needs and must obtain a part-time job); see Storrow & Turner, supra note 37, at 503 (describing several different law schools’ approaches to requiring pro bono hours from evening or part-time students). The authors further
the extended division understand from all of the cultural indicia around them that pro bono service is important and they commit to it as they can. 90 This understanding of a conscious commitment to pro bono is a good take-away lesson.

III. SMALL STEPS TOWARD RECESSION-PROOFING LAW STUDENTS THROUGH PRO BONO SERVICE

The ultimate goal of any law school should be to prepare students to become effective attorneys. 91 Pro bono service aids in this process and benefits all students, particularly those young attorneys who are not interested in an entire practice based in pro bono or legal services. 92 Pro bono service can help bridge the gap between the recent graduate or young associate’s skills and a law firm’s expectations for its practicing attorneys. Pro bono activities can help young attorneys significantly increase their awareness of the importance of legal justice for low-income individuals and of the people skills necessary to counsel clients one-on-one. 93 These experiences can contribute to a law graduate’s real work experience, and alleviate the issues that arise when young lawyers have never worked at a firm or an organization. 94 “The State of the Legal Profession” symposium, held at Stanford University in April, 2008, addressed some of the main concerns of the legal profession in relation to young junior associates. 95 Andrew Zangrilli discussed the symposium in his article Junior Associates—The State of the Legal Profession, Part 2. 96 The panel at the symposium identified, among other issues, two issues with junior associates pertinent to this Article. 97 First, the panel noted the discussed the special challenges for schools with part-time evening programs when considering a mandatory pro bono requirement. 98 Using Loyola Law School in Los Angeles as an example of how mandatory pro bono works in a school with an evening program, adapting the program and its requirements to their needs. 99 At Loyola, students are required to complete a total of forty hours of pro bono service as upper level students and are given plenty of options including activities done on the weekend. 100

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90. See Storrow & Turner, supra note 37, at 501-02 (detailing how evening and part-time students at different law schools satisfy pro bono requirements).
91. SULLIVAN, ET AL., supra note 65, at 139.
92. See id. at 138-39 (finding that a good pro bono experience at law school can strongly influence a student’s future involvement in public service). But see RHODE, supra note 65, at 156 (finding only a fifth of attorneys studied indicated that positive law school pro bono experiences encouraged future involvement).
93. See RHODE, supra note 65, at 29-30 (finding that pro bono experiences can help young attorneys become involved in community groups and other public interest activities as a way to expand perspective, promote social justice and make a positive difference in another’s life).
94. Id.
96. Id.
97. Id. Zangrilli also discussed the issue of the high salaries and prestige offered by law firms to young junior associates. Id. According to Zangrilli, all of the panelists at the symposium agreed that current first year associate salaries are “ludicrous.” Id. Some attributed the salaries to a system called profits per partner (PPP) system, which assesses different factors of a firm and has become the benchmark by which many people believe, law firms judge themselves. However, another panelist, Jamienne S. Studley, a former attorney with the Clinton Administration, said young attorneys go to law
generational gap between junior associates and senior partners.98 Second, the panel explained the lack of training and loyalty.99 The shortcomings discussed in this symposium can be corrected if more law schools would adopt the voluntary pro bono approach of Widener Law School.100

The junior associates of today are not the junior associates of thirty years ago.101 Thirty years ago, the junior associates joining large law firms were goal-oriented individuals willing to sacrifice the next ten years of their personal and social life in an effort to make partner.102 Now, law firms are encountering a generation consisting of e-mail, text messaging, and internet gurus who are very conscious of maintaining a personal life balance.103 If they happen to become partners along the way, that would be fine, too.104 As Gordon Davidson, Partner and Chairman of Fenwick & West LLP said, “Young lawyers want to work at home in their pajamas, looking at their fish tanks and listening to their iPods.”105 With this significant disconnect between today’s senior partners and junior associates, it is important to understand how this gap can be bridged.106 It is Widener Law School’s

98. Zangrilli, supra note 95.
99. Id.
100. See Zangrilli, supra note 95 (discussing the shortcomings of junior associates as compared to their predecessors). According to Andrew Zangrilli’s report on the aforementioned Stanford symposium, many older associates lament that young associates do not have the same work ethic as their predecessors, and simply do not want to dedicate their lives to work, as have their senior counterparts. Id. In addition, these junior associates are motivated by prestige and large firm salaries, but lack real world legal training because they are forced to complete hours of document review. Id. However, Zangrilli also discussed how law firms are not necessarily offering the training that they should to first year associates. Id. In the end, this yields what Zangrilli calls a “legion of highly-paid, dissatisfied young lawyers working long hours on routine matters that offer little in the way of training.” Id.; RHODE, supra note 65, at 48 (finding pro bono work can provide valuable training for law students and lawyers in interviewing negotiating, drafting and working with individuals from various backgrounds).
101. See Zangrilli, supra note 95 (finding there is a large generation gap between senior partners and junior associates who have an average age difference of between twenty and forty years leading to misunderstandings and different ideas of work ethics between the junior associates of today and those of many years ago).
102. See id. (finding that young lawyers of today to not want to dedicate their lives to working as senior partners have done and have not bought in to the traditional firm model of one salary earner within a home).
103. Id. However, at the same Stanford symposium, Kate Ilna Frucher, General Manager of Axiom argued that many young lawyers simply do not want to dedicate their entire life to work, explaining that “[y]oung lawyers are not buying into the model of a single bread winner per family,” and “traditional firms have relied on this model.” Id. Gordon Davidson concurred that “[t]oday, both spouses tend to be very smart and want to do something interesting with their lives.” Id.
105. Zangrilli, supra note 95.
106. Id. Panelists at the Stanford symposium suggested solutions to tie the generational gap and training problems within the legal profession. Id. Zangrilli noted several firms are taking steps to satisfy young associates such as sending them to offices abroad, providing and training in pro bono work. Id. The panelist at the symposium from Axiom explained how it is an alternative to the existing law firm
belief that a voluntary pro bono program can provide a significant springboard for junior associates to meet the needs of their senior partners.

Pro bono service helps to pair a human face with a legal issue. The majority of a law student’s career is spent reading casebooks, outlining, and studying for exams. Pro bono service provides students with possibly their first encounter of real-life people with real-life problems. Pro bono work allows the student to cultivate his/her soft skills and people skills through interviewing and interacting with clients. Additionally, this interaction is furthered by allowing the student to do this work on a voluntary basis versus a mandatory program. Providing volunteer opportunities will separate those who have a desire to better themselves through client interaction from those who are merely doing so in order to receive a diploma. As previously discussed in this Article, allowing students to provide pro bono work on a voluntary basis may lend itself to more adequate representation. A student who wants to do the work is more likely to do so thoroughly and get more out of it than a student who is forced to do the work begrudgingly. The life skills obtained through these voluntary pro bono experiences will be invaluable to a junior associate looking to make a good impression on the senior partner.

The second problem identified by the Stanford symposium is a lack of training and loyalty among junior associates. The issue of training and loyalty is a cyclical matter that is not easily solved, but a student who has provided pro bono service either through an agency or through a clinic can distinguish him/herself when it comes to training. Many new graduates enter the workforce having little to no experience, and, thus, are not equipped to make any meaningful contribution or handle major cases. Firms are pressured by clients to keep junior associates off of their major cases because clients want experienced attorneys. Consequently, law firms are left with highly paid junior associates doing routine work but never...

structure, and while the financial incentives are not the same as a larger firm, she stated, “[w]hat you lose in money, you gain in quality of life.” Id.
107. SULLIVAN, ET AL., supra note 65, at 3.
108. Id.
111. Lardent, supra note 31.
112. Id.
113. See supra text accompanying note 31 (discussing the benefits of voluntary pro bono work to client service).
114. Granfield, supra note 30, at 1412.
115. See LEARNING TO SERVE, supra note 1 (noting that participation in pro bono service can teach students the importance of high standards of performance and foster their lawyer competencies related to developing a law practice and managing a law office).
116. Zangrilli, supra note 95.
117. LEARNING TO SERVE, supra note 1.
118. Zangrilli, supra note 95.
119. Id.
obtaining real experience. This routine work can grow tiresome, still leaving young lawyers with little training, and little promise of obtaining any in the near future. Statistics show that many leave the firm and the field of law shortly after joining. This lack of training can be significantly alleviated through the use of voluntary pro bono opportunities.

The training that firms are looking for is not merely a count of hours served in a log sheet. Firms are seeking substantial, meaningful, “real world” experience. Such experience can only be obtained through providing service to real clients and truly embracing the law as it applies outside of the classroom. Widener Law makes these lessons available to its students.

IV. INSTITUTIONAL LEADERSHIP AND COMMITMENT

There are several institutional factors that facilitated the formulation, adoption, and implementation of pro bono service as an educational access strategy. The first is that there is a proud history of service to the communities within which Widener University campuses are located and a specific directive to continue this institutional tradition of commitment to service. The second is the institutional commitment embodied in dedicated leadership by both James T. Harris III, President of Widener University, and Linda Ammons, Dean of Widener Law School. Third is a clear, unequivocal message that a commitment to serve the communities in which the campuses of the University reside was to be a pervasive mission carried out by all of the members of the University.

For example, President Harris’ homepage message on the Widener Mission reads:

Our Chester, Wilmington, Exton and Harrisburg communities are committed to the ideals of great universities: teaching, scholarship, and service. The key to our continued success is that we actively engage in the communities we serve and teach our students to be good, responsible citizens. Our students are encouraged to break out

120. See id. (indicating that junior associates are often assigned to routine work because of pressure from clients, who bear the cost of training these associates, and that law firms are not fulfilling their responsibility of offering adequate training to junior associates).
121. See id. (noting that junior associates are often assigned to routine matters that offer little in terms of training).
122. See id. (stating that seventy-eight percent of lawyers leave their firms after only one or two years).
123. LEARNING TO SERVE, supra note 1.
127. Civic Mission, supra note 125.
of their comfort zones and get involved. As a result, many participate in service-learning projects in the community, across the nation, and in the world.¹²⁸

The mission of civic engagement and service to local communities is pervasive and the executive leadership strives to reinforce this message through national recognition and other high-profile public relations.¹²⁹ Pro bono service projects with an emphasis on educational access have proved an invaluable addition to Widener Law’s Public Interest Resource Center, which was launched in 2005 to further the service component of the Law School’s mission.¹³⁰ Stressing participation in pro bono activities, service to the bench and bar, and active engagement in community education, pro bono service benefits serve residents of the law school’s local community and provide Widener Law students with important skill and character-building experiences.¹³¹ In some ways, these initiatives are merely the formalization and expansion of long-standing practice at the law school.¹³² For decades, Widener Law students have provided pro bono legal representation in the areas of family law, consumer bankruptcy, criminal defense, environmental law and veteran’s assistance through its legal clinics.¹³³ In Academic Year 2007-08 alone, clinical students provided more than 10,000 hours of pro bono representation and fielded more than 4500 calls from individuals seeking legal assistance.¹³⁴

For example, The Carnegie Foundation for the Advancement of Teaching chose Widener University as one of only seventy-six institutions in the nation to qualify for a new “community engagement” classification.¹³⁵ Community engagement describes the collaboration between institutions of higher education and their larger communities (local, regional/state, national, and global) for the mutually beneficial exchange of knowledge and resources in a context of partnership and reciprocity.¹³⁶ Their interactions address community-identified needs, deepen students’ civic and academic learning, enhance community well-being, and enrich the scholarship of the institution.¹³⁷

¹²⁹. See Widener University – Recognition, http://www.widener.edu/civicmission/recognition/deafault.asp (last visited Oct. 30, 2009) (indicating that Widener University’s commitment to civic engagement and community service has been recognized by the Washington Monthly Magazine, the Corporation for National and Community Service, Project Pericles, the Carnegie Foundation for the Advancement of Teaching, and The Bonner Foundation) [hereinafter Recognition].
¹³¹. Id.
¹³². Id.
¹³³. Id.
¹³⁴. Id.
¹³⁵. Recognition, supra note 129.
¹³⁷. Id.
Widener was one of twenty-two colleges nationwide invited to join Project Pericles, a national organization promoting social responsibility in education. Project Pericles is a not-for-profit organization that encourages and facilitates commitments by colleges and universities to include education for social responsibility and participatory citizenship as an essential part of their educational programs, in the classroom, on the campus, and in the community. This learning experience is intended to provide students with a foundation for social and civic involvement and a conviction that democratic institutions and processes offer each person the best opportunity to improve the condition of society.

The Corporation for National and Community Service has named Widener University to the President’s Higher Education Community Service Honor Roll for exemplary service efforts and service to America’s communities every year since its inception in 2006. According to Widener University President James T. Harris III, “[t]his honor recognizes a complete university effort involving students, faculty, and staff.” “It is also a tribute to the willingness and enthusiasm that the communities we serve have for partnering with Widener on these initiatives. These initiatives are successful because of their support.” The Community Service Honor Roll is the highest federal recognition a school can achieve for its commitment to service-learning and civic engagement. Honorees for the award were chosen based on a series of selection factors, including scope and innovation of service projects, percentage of student participation in service activities, incentives for service, and the extent to which the school offers academic service-learning courses. It was an important innovation that the Law School be included this year, and Dean Ammons used service and engagement as a prevailing theme through the academic year in her Opening of School remarks, State of the Law School address, Dean’s Report at Faculty Meetings, and Commencement.

IV. OUTREACH PROGRAMS PROVIDING GREATER ACCESS

Many educational outreach programs do a lot of good by touching lives for one day. While one-day programs are important to act as catalysts for future 138. Recognition, supra note 129.
141. Id.
142. Id.
144. Id.
146. See Regent Law Makes an Impact on First Community Service Day, Aug. 28, 2009, http://regentlawnews.blogspot.com/2009/08/regent-law-makes-impact-on-first.html (noting that Regent University School of Law students, faculty and alumni joined forces for a day to serve the Hampton Roads area through community service projects in August of 2009); Louisville D. Brandeis School of
programs and outreach, providing regular or seasonal programs that address town
gown issues and historically under-represented communities’ negative perceptions
of collegiate/law school campus life is equally important for long-term change.\textsuperscript{147}
Like most of the annual or long-term pro bono programs in which Widener Law
students serve, the four programs examined in this Article (Volunteer Income Tax
Assistance Program, Financial Literacy Education Program, Jurist Academy, and
the Dupont Diversity Pipeline Program) try to address three key principles of
educational access: the programs inform the neighboring communities of all that
the university has to offer (including admissions and financial aid information),
attract academically prepared students from historically under-represented groups,
and address lack of academic preparation among historically under-
represented/first-generation students due to K-12 disparities and/or inequities.

The first of the programs discussed is the Volunteer Income Tax Assistance
Program (VITA), which helps needy families file for Earned Income Tax Credit.\textsuperscript{148}
VITA began in the 2002-03 academic year,\textsuperscript{149} and is the most conventional pro
bono project of those discussed in this Article. The target audience for this effort is
low-income filers eligible for the Earned Income Tax Credit (EITC).\textsuperscript{150} The credit
has been touted to be the most effective way of lifting a family above the federally-
defined poverty line.\textsuperscript{151} The EITC lifts an average of five million families above the
poverty line each year, but over twenty percent of those families that qualify for the
credit do not apply for it.\textsuperscript{152} Furthermore, according to a Brookings Institution
study,\textsuperscript{153} an estimated $1.75 billion of EITC monies are diverted to “paid preparers”
for tax preparation services. This is money that could have stayed in the hands of
low-income families, and could have been used to boost local economies.\textsuperscript{154}

During the spring semesters, Widener students volunteer to help low-income
Pennsylvanias (primarily in the cities of Chester, Philadelphia, and Harrisburg) and
Delaware (primarily in Wilmington) residents with their federal, state, and local
income taxes as part of the VITA program.\textsuperscript{155} The students, as well as other

\begin{footnotesize}
\begin{enumerate}
\item LEARNING TO SERVE, supra note 1.
\item Philadelphia Higher Education Network for Neighborhood Development (PHENND), Financial
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\item Id.
\item PHENND, Financial Outreach Initiative, supra note 148 (citing ALAN BERUBE & ANNE KIM,
THE BROOKINGS INST., THE PRICE OF PAYING TAXES (May 2002)).
\item In the city of Chester in Delaware County, 4921 EITC returns were filed last season. This
placed over $9 million into the hands of Chester families. However, 60 percent of the claims were filed
with “paid preparers,” which means that a great many of those dollars went to pay for tax preparation
services. Those services cost an average of $93 per return. Furthermore, 67 percent of the filers opted for
the “refund anticipation loan” option, and that adds to the cost of the tax services provided. PHENND,
Financial Outreach Initiative, supra note 148.
\item Widener University – Community Service, http://www.widener.edu/civicmission/service/
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community volunteers, helped 1300 low-income taxpayers to obtain over $1.5 million in federal tax refunds in 2008.\textsuperscript{156} During the 2009 tax-filing season, law, business, and undergraduate students, along with many community volunteers and agency staff, provided free tax services to 1275 filers who collectively received over $1.8 million in refunds.\textsuperscript{157} In order to accomplish this, a special working group, the Delaware County Asset Development,\textsuperscript{158} was created to oversee the project as well as discuss ongoing issues with regard to asset and human capital development in the respective city/county areas. This initiative sparked other financial education programs.\textsuperscript{159}

Common themes that arise during the tax season are the cost of higher education, and how to save and pay for higher education. While the student volunteers are not permitted to dwell on savings plans or recommend financial vehicles, they do introduce community members to Widener Law’s Financial Literacy Education Program (FLEP) as well as other free programs and classes offered through Delaware County Asset Development.\textsuperscript{160} These classes and programs focus on the following topics: Managing Your Money, Banking Basics, Help Your Savings Grow, Maintaining Good Credit, Rebuilding and Repairing Your Credit, Talking to Teens About Money, Personal Bankruptcy, Starting a Small Business, Saving for College, Individual Development Accounts (IDA’s), First-time Home Ownership, Home Owner Resources, and Small Business Development and Micro-entrepreneurship.\textsuperscript{161}

In 2002 Sandra Braunstein and Carolyn Welch of the Federal Reserve Board’s Division of Consumer and Community Affairs made the case for financial literacy, citing demographic shifts and noting that members of foreign-born households in particular, “as is common among underserved populations, may be unfamiliar with U.S. financial practices and/or lack access to mainstream financial institutions.”\textsuperscript{162} Six years later, little has changed from a national perspective. Many low-income

\footnotesize{default.asp (last visited Oct. 30, 2009).}
\textsuperscript{156} Id.
\textsuperscript{157} PHENND, Financial Outreach Initiative, \textit{supra} note 148.
\textsuperscript{158} Organizations participating in Delaware County Asset Development are: Centro de Apoyo Comunitario, Chester Community Improvement Project, Chester Education Foundation, Chester Microenterprise Partnership, Community Action Project of Delaware County, Consumer Credit Counseling Services of the Delaware Valley, Darby Borough Community Development Corporation, Delaware County Family Centers, Franklin Mint Federal Credit Union, Internal Revenue Service - Stakeholder Partnerships, Education, and Communication, Office of Housing and Community Development, Delaware County, PathWays PA, Inc., Rosemont College, Swarthmore College, United Way of Southeast Delaware County, United Way of Southeast Pennsylvania, Widener University, and YWCA of Chester. Delaware County Asset Development – VITA Sites, http://www.delcoad.org/sites.html (last visited Oct. 30, 2009).
\textsuperscript{159} PHENND, Financial Outreach Initiative, \textit{supra} note 148 (noting that the Community Action Development Commission of Montgomery County has also developed a free tax prep program).
\textsuperscript{161} PHENND, Financial Outreach Initiative, \textit{supra} note 148.
individuals and families lack basic financial skills and tools. Many do not have checking or savings accounts.\textsuperscript{163} Residents of low-income communities often exhibit unfamiliarity with the importance of credit ratings and the problems inherent to high-cost credit transactions.\textsuperscript{164} They are frequently victims of predatory lending.\textsuperscript{165} FLEP addresses these problems and serves the community by teaching basic skills in the management of personal and family budgets as well as in understanding the fundamentals of credit, and practicing wise consumer habits.\textsuperscript{166}

The VITA Program has been coupled with FLEP in Delaware.\textsuperscript{167} Widener Law School received renewed grant support from Bank of America to continue and further develop the Bank of America FLEP.\textsuperscript{168} The program, which serves adults and children in low-income Wilmington, Delaware communities and is held at community centers,\textsuperscript{169} has doubled in size since its inception in 2005.\textsuperscript{170} The program’s adult component teaches and reinforces basic financial skills, placing emphasis on smart spending and saving in accordance with long-range planning (including recovery from bankruptcy, tax questions, small or minority business enterprises (SBE/MBE), home ownership, et cetera).\textsuperscript{171} The children’s program introduces basic financial concepts to elementary and middle school aged students and encourages children to think about saving money, rather than spending.\textsuperscript{172}

In 2007-08, participation among children and adults totaled nearly 500 individuals, more than doubling prior years’ totals.\textsuperscript{173} In 2008-09, Widener anticipates the program’s continued growth both in scope and in size. The Law School will continue to develop both its productive relationship with the Latin American Community Center and the growing synergies between the programs for children and adults by offering year-round family programming at the LACC.\textsuperscript{174} Participants in these programs have been very receptive thus far and have requested continued programming. Some of the most successful outreach has been through the Collegiate Financial Aid Information sessions offered to parents of middle

\textsuperscript{163} Id. at 454.
\textsuperscript{164} Id. at 446-47.
\textsuperscript{165} Id. at 446.
\textsuperscript{167} See PHENND, Financial Outreach Initiative, supra note 148 (noting that the VITA Program collaborated with FLEP in Delaware to work on projects relating to asset development for low-income communities).
\textsuperscript{168} Press Release, Law Students Reach Out, supra note 166.
\textsuperscript{169} The Wilmington Community Centers and programs involved are: Delaware Volunteer Legal Services Corporation, the Latin American Community Center, Nehemiah Gateway Community Development Corporation, and The Delaware EITC Campaign.
\textsuperscript{170} FLEP, FY2009 FLEP ANNUAL REPORT TO BANK OF AMERICA (2009) (on file with author).
\textsuperscript{172} Press Release, Law Students Reach Out, supra note 166.
\textsuperscript{173} FLEP, FY2009 FLEP ANNUAL REPORT TO BANK OF AMERICA (2009) (on file with author).
\textsuperscript{174} Id.
school students as part of the workshops offered in FLEP. In recognition of the participants' diversity, program instructors evaluate their needs on an ongoing basis and tailor their approach accordingly. In addition, the likely continued prevalence of women, many of them single mothers, among adult participants will inform the program's efforts, which will focus on the particular needs of this population.

Many of the families who are served by this program are able to consult with volunteer attorneys and law students on immigration issues and concerns, and questions pertaining to public benefit enrollments such as food stamps and health insurance. In the future Widener hopes to help the communities commence microenterprise development and micro-loan funds. While these financial-based programs were conceived as pro bono placements for law students, they are also serving well as a means toward recruiting students to the undergraduate colleges and both undergraduate and law students to work in community settings. The partnership between the law school, the University as a whole, and the community organizations has been beneficial for all parties.

The College Access Center is an unconventional pro bono project for students interested in education law. It is an initiative of the Chester Higher Education Council and is located in Chester, Pennsylvania. The Center will house the Widener Cares Tutoring Project which is now in its eighth year. The Project connects members of the Widener campus community with elementary and middle school students in Chester-area schools. Law students participating in the Project provide free services to middle school and high school students and to adults wishing to pursue or complete a college degree. Services will range from college and career awareness and study skills development to tutoring, mentoring, and assisting high school seniors and their parents with the college financial aid process, according to Widener President James T. Harris III, chairperson of the Chester Higher Education Council.

According to David R. Fair, senior vice president for Community Impact for the United Way of Southeastern Pennsylvania, the College Access Center ties in

175. Id.
176. Id.
177. Id.
179. Id.
180. Id. The Chester Higher Education Council is a nonprofit organization formed by the presidents of Cheyney University of Pennsylvania, Delaware County Community College, Neumann College, Penn State Brandywine, Swarthmore College and Widener University. Id. Harris said the council is a unique collaboration in that it consists of a historically black college, a community college, a faith-based college, a large public university, a selective liberal arts college, and a private, metropolitan university. Id. “All of the member institutions have been very active in their own right in supporting education initiatives in Chester and throughout Delaware County,” Harris said. “However, working together and coordinating our resources we can accomplish a great deal more. Operating as the Chester Higher Education Council also enables the members to act as one entity in pursuing private and public funding.” The United Way of Southeastern Pennsylvania and the United Way of Southeast Delaware County are integral partners in the center. Id.
directly with the United Way’s strategy for encouraging college graduation.181 “Today’s workforce, especially as our region grows its service economy, needs college graduates to thrive,”182 Fair said. “A typical college graduate earns more than $1 million more in their lifetimes than one who only has a high school diploma. We’re excited to join with the colleges in an investment that will help hundreds of young people get a better start.”183

According to Swarthmore College President Alfred H. Bloom, the Chester Higher Education Council anticipates that the center will serve one thousand youths and adults in its first year through school-based programs, community workshops held at the center, and at neighborhood sites.184 “The council will work with each high school and middle school across the 15 school districts in Delaware County,”185 Bloom said. He continued,

The goal is to increase the number of Delaware County students who will enter and succeed in higher education. Through offering guidance on college admissions and financial aid and providing academic support, the Center will open college opportunities what will make an enormous difference in the lives of the students it serves and act as a model of a means for addressing the unconscionable limitations on access to higher education in this country.186

The College Access Center is only one of the long-standing education preparatory programs in which Widener Law students participate. The DuPont Diversity Pipeline Program and the Jurist Academy are more closely related to legal education and pro bono service.187 Now beginning its fifth year, the DuPont Diversity Pipeline Program is a “Street Law”-type program. Over the course of an academic year, in partnership with volunteers from DuPont Legal, Widener Law Students volunteer to mentor and teach a law-related course to paralegal students from Howard Technical Institute in Wilmington, Delaware.188 The law students try to provide interactive lessons on the practical aspects of the law, democracy, and human rights.189 At the beginning of the year, many students express an interest in criminal justice and crime scene investigation (also known commonly as “CSI”). However, by the end of the year, the Pipeline high-school students can see

181. Press Release, College Access Center, supra note 178.
182. Id.
183. Id.
184. Id.
185. Id.
186. Id.
188. Delaware Law Related Education Center, supra note 187.
themselves as attorneys. In addition, the law students create positive role models for high school students who participate in the DuPont Diversity Pipeline classes as they share their histories of how they went to college and then to law school.190

Widener University School of Law hosts the Jurist Academy (JA), an annual two-week immersion program, designed to introduce undergraduate students from historically under-represented groups to the idea of law school and a legal career.191 The goal of the JA is to spark interest in the law through an intimate experience that gets the students thinking about a life in the law.192 The JA students take part in several law classes developed just for them, including LSAT Preparation, Torts, Criminal Law and Legal Writing and Analysis. Current Widener Law students serve as speakers, tutors, and teaching assistants.193 Classes are held daily and involve a final examination, so students get first-hand experience with a law-school-level examination.194 Each JA student is paid a stipend for participating in the full program.195

The program comes at a time when leaders in the legal community have been vocal about the need for greater participation of individuals from historically under-represented groups in the legal profession. The American Bar Association has made diversity one of its key issues,196 and closer to home, the Delaware State Bar Association’s Multicultural Judges and Lawyers section now holds daylong conferences on diversity issues for the state’s bar and bench.197 While Widener would encourage any of the JA’s annual 28 participants to apply to its law school should they ultimately choose that path, the program has not been assembled as a school recruiting tool, Law Dean Linda L. Ammons said.198 Rather, the law school views the endeavor as a contribution to the profession and society. “Widener is proud to have advanced beyond the ‘talking’ phase of the need for a more diverse bar and bench, and to have moved into an ‘action’ phase where we are able to demonstrate leadership and a commitment to affecting real change,” said Ammons, one of only a handful of African American women currently serving as dean of a U.S. law school.199 “We are so pleased to have several highly-respected law firms

190. Id.
193. WIDENER UNIV., JURIST ACADEMY BROCHURE (2009), available at http://law.widener.edu/Admissions/~media/Files/admissions/Jurist_Academy_bro_09.ashx.
194. Id.
195. Id.
198. Id.
and organizations partnering with us on this program.”

VI. WHAT WE HAVE LEARNED: INFORMING FUTURE ACCESS STRATEGIES

First and foremost, any outreach efforts, especially those to be used as an access strategy, must be linked to the institutional context. What makes sense for one institution may not make sense for another, given demographics of student body, neighboring communities, location or other factors. Equally important, and directly linked to the first point, is that the leadership throughout the institution must be committed to the access strategies. Outreach efforts specifically developed as an access strategy cannot be a half-hearted attempt and must be synchronous with the institution’s strategic and/or master plan(s).

Second, access strategy should include and be accountable to community constituents. If the programs are not addressing a real need they will likely be frustrating for all involved and considered disingenuous on the part of the institution. False starts can deter stronger efforts later.

Third, it is important not to shy away from private funding. Most of the programs discussed in this Article were funded in whole or in part with private funding. An institution of higher education can benefit greatly from both “real world practicality” and measures of accountability required by private funding. These benefits will not outweigh or redirect knowledge creation or deter new partnerships. One of the factors this author is examining for further study is finding a way to measure the impact of these programs so as to report to private funders.

CONCLUSION

Pro bono service provides opportunities for law students to learn from their clients and their students about how the law impacts individuals and families, as well as the strengths and weaknesses of the legal system. Seeing humanity in the law sensitizes law students to crucial public policy issues and concerns, which can encourage law students to pursue a career path aimed at combating social injustice.

200. Id.
202. See id. at 51-53 (describing Temple’s success in outreach programs and noting the support of Temple’s President and administration).
203. PHENND, Financial Outreach Initiative, supra note 148.
204. Press Release, Law Students Reach Out, supra note 166 (noting that the program was made possible through a grant from Bank of America).
205. See Press Release, Law Students Reach Out, supra note 166; see also Press Release, JURIST Academy, supra note 187 (noting that sponsors of the Jurist Academy included DuPont, Morris James, LLP, Potter Anderson & Corroon LLP, Richards Layton & Finger, the South Asian Bar Association of Delaware, and the Multicultural Judges & Lawyers Section of the Delaware State Bar Association).
On a very practical level, law students understand first hand the level of detail with which they need to become comfortable in order to work competently as an attorney. In the present day, law students must become familiar with local community resources so as to better serve the needs of their clients; over the long-term, law school graduates who participate in pro bono service enter their profession a bit wiser and with more tools than graduates without such experience.

With mounting economic pressure on low-income people to obtain jobs that pay living wages, or to engage in income generating activity, one of Widener Law School’s missions has been to promote economic stability in low- and moderate-income households of the Wilmington and Chester metropolitan regions. Through pro bono programs like the Volunteer Income Tax Assistance Program, the Bank of America Financial Literacy Education Program, the College Access Center (including the Widener Cares Tutoring Project), the DuPont Diversity Pipeline Program, and the Jurist Academy, the law school has begun to convert an institutional commitment to educational access and pro bono service into a directed agenda. This directed agenda includes specific outreach strategies to inform neighboring communities about the university, its admissions and financial aid policies, increase financial literacy, attract potential law students, and help prepare younger students who are interested in higher education.

The evidence of these program’s positive impact is clear from examining key strategies to provide greater educational access: inform communities of pathways to gain educational access, attract students who would qualify for admission, and help prepare younger students who demonstrate interest and potential in higher education from neighboring communities through these programs. All three strategies positively impact the human capital of many individuals in neighboring communities, and one can contend that social capital has been affected positively as well, as new community partnerships emerge from existing ones. Without efforts towards greater partnerships and, at a scant minimum, the appearance of access to higher education for future generations, we jeopardize our notion of democracy, our society, and ultimately our nation.


208. See PHENND, Financial Outreach Initiative, supra note 148 (noting that the joint FLEP/VITA program with which Widener partners works to form asset development for low-income communities in the Philadelphia region).


210. Widener Law, Outreach, supra note 7.

211. Widener Law, News, supra note 8.

212. Widener Law, DuPont Diversity Pipeline Program Brings Promising Howard High Student to Widener, supra note 9.


214. See Law School Hosts Diversity Program for Minority Undergraduates, supra note 197 (noting that the Jurist Academy increased educational access and created numerous partnerships).