“The timely provision of civil legal aid can help alleviate some of the harshest effects of the economic downturn and prevent a costly spiral of social problems.”

Justice Jim Jones, Idaho Supreme Court

Pro Bono Program

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*A special thank you to the following law schools for their guidance, used to develop these policies and procedures:*

- University of Idaho College of Law
- Lewis & Clark Law School
- University of St. Thomas School of Law
- Willamette University College of Law

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This manual, and the policies and procedures contained herein, may be subject to amendment. Please consult the Pro Bono Program Director for any questions, potential ambiguities, or matters not addressed herein.
PRO BONO PROGRAM INTRODUCTION

Concordia University School of Law is committed to expanding opportunities for vulnerable populations to access justice and obtain quality legal services. Accordingly, every law student is required to provide a minimum of 50 hours of pro bono service throughout their law school education as a graduation requirement.

BENEFITS

The American Bar Association Model Rule 6.1 and the Idaho Rules of Professional Conduct 6.1 recommend that attorneys “aspire to render at least 50 hours of pro bono publico legal services per year.” Accordingly, Concordia University agrees with the spirit of these rules and has incorporated a mandatory pro bono program requirement into each student’s law school education. This will help cultivate service attitudes for members of the legal community and impress upon them that regardless of the area of law, geographic location, or firm size, pro bono work is an important part of practicing law.

The pro bono program will benefit students in many ways. Participation will provide them with an opportunity to proactively get involved with active members of the Idaho State Bar, and receive recognition for their efforts by the law school. Other benefits include:

- Gaining an awareness of others’ needs and developing a greater understanding of their role and potential contributions to society as a future attorney
- Opportunities for obtaining practical experience in a real world setting
- Networking with practicing attorneys
- Learning more about a particular area of practice, and refining academic and career goals

The goal of the pro bono service program is to enhance the student’s legal education and contribute to the needs of the community. Overall, it is intended to be fun and educational.

ELIGIBILITY

As an academic requirement for graduation and receipt of a juris doctor degree from Concordia University School of Law, each student is required to complete 50 hours of law-related pro bono work, prior to graduation. To be eligible to participate in the pro bono program, students must meet the following criteria:

- Students may participate in the pro bono program after completion of the first semester of law school. No work performed prior to these start dates will count toward a student’s required hours.
- Students must be in good academic standing - at least a 2.0 cumulative GPA.
- Students must attend a pro bono training orientation conducted by the Pro Bono Program Director (“Director”) or his/her designee, prior to participation in the program. Any work performed prior to receiving the appropriate training will not be eligible for pro bono recognition.
PROGRAM REQUIREMENTS

TYPE AND SCOPE OF WORK

Model Rule of Professional Conduct (MRPC) 6.1 governs whether work qualifies as pro bono service. A substantial majority of a student’s pro bono work should be dedicated to providing direct legal services to persons of limited means who cannot afford an attorney or who are underprivileged, underrepresented, and without meaningful access to the legal system. This type of pro bono service is discussed in MRPC 6.1(a). Other types of acceptable pro bono work can include legal services at no fee to individuals, groups, or organizations seeking to secure or protect civil rights, civil liberties or public rights; legal services at no fee to charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes; or other activities for improving the law, the legal system, or the legal profession. This type of pro bono service is discussed in MRPC 6.1(b).

Pro bono work must meet the following requirements:

- All pro bono work must be performed without remuneration of any kind, eithermonetary or for credit.
- Pro bono work cannot be used to satisfy any other academic requirements. For example, students cannot perform pro bono work and receive academic credit for an externship at the same time. However, if a student has completed the required amount of hours for an externship and has received pre-approval from the Pro Bono Program Director, the student may do work for the same agency for pro bono credit.
- The pro bono work must be legally substantive in nature as contemplated by MRPC 6.1.
  - Types of work regarded as legal in nature include, but are not limited to, the following: client and witness interviewing; legal research and writing; drafting pleadings and motions; transactional drafting; litigation preparation; policy research; investigation; and community education/advocacy related to legal topics.
  - Types of work that are not legal in nature include, but are not limited to, the following: transcribing, answering phones for the purpose of screening/transferring calls, making coffee runs, and participation in activities that are purely observational in nature.

Please consult with the Director if you have been asked to perform work that is not legally substantive, even if the work at issue arises subsequent to pre-approval of the project.

SITE SUPERVISION

All pro bono work must be performed under the supervision of a licensed attorney in good standing, a subject matter expert, or a faculty member of Concordia University School of Law.

The purpose of a site supervisor is to have someone present to assign and oversee the student’s work. This person may be asked to verify the number of hours worked as reported by the student, and to complete an evaluation of the student’s performance. Students are directed to immediately contact their site supervisor with any questions related to assigned work.
confidentiality, actions that may be considered unauthorized practice of law, or if any circumstances arise that the student feels may cause harm or jeopardize their safety.

**TRAINING**

In addition to the required training by Concordia University School of Law, students are required to attend all applicable volunteer orientations and trainings conducted by the organization for which they will be performing pro bono service.

Training hours may be reported as pro bono hours, if approved by the Director. Prior approval is required, and the Director’s decision is discretionary and on a case-by-case and student-by-student basis. At no time should a student’s hours for trainings exceed 50% of their direct pro bono service requirement. Additionally, students may not count training hours towards their pro bono requirement unless and until they have completed pro bono service hours for the opportunity for which they attended training.

**EVALUATIONS**

Students will be asked to complete an evaluation of their pro bono experience each time they submit pro bono hours on Hire Concordia Law (“HCL”).

**IDENTIFYING PRO BONO OPPORTUNITIES**

Faculty and staff will assist students with identifying pro bono service opportunities in a wide variety of settings including legal aid organizations, volunteer lawyer programs, government agencies, and charitable organizations. However, it is ultimately the student’s responsibility to meet the pro bono requirements by securing and participating in pro bono service, and completing required documentation in a timely manner.

Students are encouraged to begin by identifying their interests in substantive areas of law, specific target populations they maintain a passion for helping, or organizations they know with public service-oriented mission statements. Next, students are asked to consider the skills they want to improve, such as interviewing, researching, writing, and so forth. Once students have an idea of the type of work that appeals to them, there are several different methods for identifying applicable opportunities, including the following:

1. The pre-approved list of opportunities is located on the pro bono page of Concordia Law’s website. To access the listing visit: [https://law.cu-portland.edu/academics/experiential-learning/pro-bono](https://law.cu-portland.edu/academics/experiential-learning/pro-bono)
2. Talk to a student liaison from the Pro Bono Service Board. A list of opportunities with designated student liaisons can be found on the Pro Bono page of Concordia Law’s website, please see link above.

3. Pro Bono Panels. Students are invited to attend panel discussions where student liaisons and/or representatives from local organizations will talk about opportunities within their organizations. Panels and information sessions are typically held during National Pro Bono Week in October.

4. Identify your own opportunity. Students are encouraged to talk with agencies and attorneys they might like to work for and offer to do some pro bono work. Note, all projects must be pre-approved by the Director, to be eligible for pro bono hours and meet the graduation requirements. If the opportunity is not found on the pre-approved list of opportunities, submit the approval form found in Appendix A to the Director. Work completed prior to approval may not count towards a student’s graduation requirement.

REPORTING PRO BONO HOURS

It is required that all students track their pro bono service hours in Hire Concordia Law (HCL). This requirement is intended to simulate the experience students would have entering time in practice. As such, all students must enter their pro bono service hours weekly, even if a pro bono project is not yet completed. The description of work should also, therefore, be at the level of detail expected of a practicing attorney. However, students who are in their final semester of law school are required to enter their pro bono service hours into HCL by April 1st for May graduates, or November 1st for December graduates. If hours are not reported within these timeframes they may not be recognized, which may in turn delay a student’s graduation. If you are unable to meet these deadlines please contact the Director immediately.

Pro Bono service hours can be entered into HCL by following these instructions:

b. Log in using student’s Concordia issued email address and self-designated password.
c. Select “My Account” tab.
d. Select “Pro Bono” sub-tab.
e. Students must complete the “Registration” form before the “Pro Bono Reporting” tab will appear. Students may have to log out and log in again when the registration is submitted to allow the “Pro Bono Reporting” tab to appear.
f. Select the “Pro Bono Reporting” tab and select the “Add New” button.
g. Complete the form, noting that all fields with red asterisks are required. Note that “Total Hours” is automatically calculated from the information provided in the “Hours” field once the entry has been submitted. You do not need to click “Add Hours” again unless you intend to create another date/time entry for the same pro bono project report.
h. Select “Submit.”
i. Once submitted, all pro bono entries and an hour summary are in a list
format under the “Pro Bono Reporting” tab.

SUPERVISOR EVALUATION OF STUDENT PRO BONO SERVICE

For opportunities that are not one of Concordia Law’s standing pro bono opportunities, students must provide each pro bono supervisor with the Mandatory Supervisor Evaluation of Student Pro Bono Service form. Students must upload the completed form to the “My Documents” tab in Hire Concordia Law (HCL). All students must upload the evaluation form at the conclusion of a project or at the end of each semester, whichever comes first. However, students in their last semester of law school are required to upload the evaluation form by April 1st for May graduates, or November 1st for December graduates. The Mandatory Supervisor Evaluation of Student Pro Bono Service form can be found in the Document Library in HCL or at https://law.cu-portland.edu/academics/experiential-learning/pro-bono.

POLICIES

By participating in the pro bono program each student has agreed to abide by the policies and procedures implemented by Concordia University School of Law, and the general rules, policies, and procedures of each respective organization for which students will perform pro bono service. This includes but is not limited to, rules of confidentiality, conflict of interest, and the unlawful practice of law.

CONFIDENTIALITY POLICY

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

CONFLICT OF INTEREST POLICY

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

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

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

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

During a student’s pro bono work, a situation is likely to arise where they will be asked for legal advice, opinion, or knowledge of a particular rule of law. It is very important that students distinguish between giving appropriate information and giving legal advice.¹

For example, it would be appropriate to:

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

Conversely, the following actions are considered providing legal advice:

1. Apply the law to the facts of a given case;
2. Give an applicant directions of how they should respond or behave in any aspect of the legal process;
3. Make recommendations as to whether or not to file any pleadings in a case;
4. Recommend the phrasing or content for a pleading including causes of action or defenses;
5. Fill out a pro se form for an applicant;
6. Recommend if an applicant should ask for a continuance in a case;
7. Give advice on how to behave in court;
8. Comment about the settlement of a case;
9. Interpret a statute or court judgment or decision;
10. Perform legal research for an applicant unless supervised by and directed to do so by the site supervisor;
11. Offer a prediction of the outcome of a case.

¹ This section has been adopted from the Idaho Volunteer Lawyers Program orientation materials for the “Unauthorized Practice of Law.”
It is appropriate for students to tell an applicant they are not an attorney and may not give legal advice. Most applicants will understand this and be satisfied with the student’s response. Others will continue to press students for information. If a student is ever in a situation where they are uncomfortable with the types of questions they are being asked, they are instructed to end the conversation and contact their site supervisor immediately. Moreover, any student who is uncertain whether the tasks they are asked to conduct by an agency is considered to be the unlawful practice of law should immediately contact the Director.

For more information on the unauthorized practice of law, visit the Idaho State Bar website at [http://isb.idaho.gov/bar_counsel/upol.html](http://isb.idaho.gov/bar_counsel/upol.html).

**BEST PRACTICES**

A student’s reputation in the legal community begins to form while they are in law school. It is important to build good rapport with legal professionals in all their experiences throughout law school, and could ultimately be an indicator on a student’s ability to gain permanent employment. The pro bono service students perform is also important to the organization and client populations they serve. Overall, it is important that students honor their commitments. In order to do so, it is recommended that students use the following best practices as a guide to achieving maximum results from each of their experiences:

1. **Choose work based on interests.** Select pro bono opportunities based on personal interests, you will be more dedicated and enthusiastic about the work.
2. **Know the agency.** Attend orientations and trainings to become familiar with office procedures and protocol.
3. **Communication.** Always proofread your written work, and communicate professionally in client contact, phone calls, faxes, and emails.
4. **Understand the work.** Define clear expectations for the work to be performed at the onset of the project and establish timelines. Follow up periodically to provide status updates on the project and ask questions.
5. **Commitment.** Be realistic about the amount of time you are able to dedicate to projects and do not commit to more than you can handle.
6. **Prior notice.** Give advance notice if you are unable to work at a certain time or complete a project by a given deadline.
7. **Courteous behavior.** Be kind to everyone you interact with including attorneys, paralegals, office staff, clients, and opposing parties. You never know when you will run into them again.
8. **Feedback.** Seek out constructive criticism and learn from it. Ask for feedback once you have completed a project and given your supervisor a reasonable amount of time to review your work.
9. **Capitalize on opportunities.** Ask attorneys if you can observe court appearances, depositions, and so forth.
10. **Network.** You will begin to generate your contacts within the legal field. Later, these

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2 Portions of this section have been adopted from Lewis & Clark Law School, *Pro Bono & Community Service Handbook*. 
individuals may be great mentors or provide recommendations for permanent employment.

11. **Professional attire.** Dress to meet or exceed the standards of the office.

12. **Ask questions.** Contact your site supervisor or the Director, one of their primary roles is to assist you.

**PRO BONO SERVICE BOARD**

As the Pro Bono Program continues to develop partnerships with community organizations, we will ask one or two student volunteers to be a liaison for each program. The responsibilities for the student liaison will include communicating with the community program coordinator or law firm, and providing information related to volunteer opportunities to other students and the Director. Additionally, student liaisons will be asked to attend periodic pro bono service board meetings to provide updates and receive training on relevant topics. The Pro Bono Program makes every attempt to have these meetings twice in each the Fall and Spring semesters.

Being a student liaison is a great opportunity to network, develop leadership skills, and gain practical experience in various areas of law. In addition, students may report training hours obtained during pro bono service board meetings toward the 50 hour requirement, not to exceed 50% of their pro bono hours for direct services. If students are interested in being a student liaison for a specific program, they must complete the application form found in *Appendix B* and submit it to the Pro Bono Program. Applications will be accepted on a rolling basis. Students must have a 2.3 cumulative GPA to be considered for a student liaison position.

**STUDENT RECOGNITION**

If students have met the minimum number of pro bono service hours (50) and would like to complete additional work, they are encouraged to do so. Students will be eligible for special recognition as outlined below.

1. The **Jack McMahon Pro Bono Service Impact Award** honors a graduate who has demonstrated a commitment to pro bono service within the legal profession and the law school. The award is named in honor of Professor Jack McMahon, who has been a pro bono leader within the Idaho State Bar and has dedicated his career to public service and to serving persons of limited means. Professor McMahon has held the position of Idaho State Bar Commissioner, President of the Idaho State Bar, and serves on the Idaho Pro Bono Commission. Professor McMahon served on the law faculty at Concordia University School of Law from 2012-2017, teaching Foundations of Justice, Torts, and Administrative Law.

   The recipient of this award embodies initiative, leadership, and the genuine desire to serve persons of limited means. Students are eligible for this award upon graduation if the student has engaged in more than 100 hours of pro bono service with one or more organizations that directly serve persons of limited means, and the student has made a significant impact on the communities they served.

2. **Pro Bono Service Recognition** will recognize students who provide 100, 150, and 200 hours or more of pro bono legal services during law school. These students will...
be formally recognized at the Annual Student Awards Ceremony and will receive a cord to wear at commencement.

3. Students may receive an invitation to the pro bono recognition ceremony to celebrate and network with public interest attorneys, non-profit employers, faculty, and staff.

4. The Pro Bono service requirement will be recognized on each student’s transcript.
PRO BONO SERVICE APPROVAL FORM

Date: _________________

Student Name: ___________________________ Year in School: _______________

Phone: ___________________________ Email: ___________________________

Organization: ________________________________________________

Supervisor: ___________________________ Bar# (if any): ___________________________

Supervisor’s Office #: ___________________________ Email: ___________________________

Description of work:

_____________________________________________________________________

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Return this form to the Pro Bono Program:
Brenda Bauges, Director
bbauges@cu-portland.edu
Amy Henson, Coordinator
ahenson@cu-portland.edu

FOR OFFICE USE ONLY

APPROVED: ________ NOT APPROVED: ________

DATE: _______________

NOTES:

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11
PRO BONO SERVICE BOARD
APPLICATION

The Pro Bono Service Board is comprised of student liaisons who assist the Pro Bono Program with program administration. The Board was created to support our student body in meeting the 50 hour pro bono service graduation requirement. Board Members share pro bono service opportunities with the law school community, answer questions related to pro bono service, and attend periodic meetings to receive training on relevant pro bono topics.

Applications are accepted on a rolling basis for students who are interested in serving as a student liaison on the Pro Bono Service Board. This is a great opportunity to gain awareness and contribute to the legal needs of our community, develop practical skills, network, and obtain leadership experience.

If you are interested in serving on the Pro Bono Service Board, please submit this application and your answers to the questions listed below to Amy Henson at ahenson@cu-portland.edu

Date: ________________

Student Name: ____________________________ Year in School: ____________

Phone: ____________________________ Email: ____________________________

Please limit your answers to 200 words per question for the following:

1. Why are you interested in serving as a student liaison on the Pro Bono Service Board?
2. What program(s) are you interested in representing?
3. Why do you believe pro bono service is important?
4. What experience do you have that might be relevant to serving on the Pro Bono Service Board (i.e. service, communication, leadership, work)?
5. How might you get the student body involved in pro bono service activities?
Mandatory Supervisor Evaluation of Student Pro Bono Service

STEP ONE: STUDENTS COMPLETE THIS PORTION

Student Name: ___________________________ Year in School: ___________
Supervisor Name: ___________________________ Bar # (if any): ___________
Supervisor Phone: ___________________________ Supervisor Email: ___________________________
Organization Name: ___________________________ Number of hours completed: ___________
Date and description of work:

STEP TWO: SUPERVISORS COMPLETE THIS PORTION

Did the student complete the assigned tasks in a timely manner? □ Yes □ No
Did the student perform in a professionally responsible manner? □ Yes □ No
Would you supervise another CU Law student in the Pro Bono Service Program? □ Yes □ No
Do you have any comments or suggestions concerning CU Law’s Pro Bono Program?

I certify that (student name)____________________________ reasonably completed (number) ____________ of
hours of pro bono service under my supervision.
Supervisor’s Signature

Date

*Supervisors, please return the completed form via hard copy or email to the student.
**Students, you are required to upload the completed form to the “My Documents” tab in HCL.

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