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Marc D. Falkoff

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Pro bono scholars idea could enhance legal education, provide aid to needy

New York's chief judge, Jonathan Lippman, is floating an idea that in one fell swoop would alter the structure of legal education in his state and enhance legal services for the poor. His Pro Bono Scholars proposal would allow law students to take the bar exam in February of their 3L year, on the condition that they spend the last semester of law school doing unpaid legal work for the poor.

There are many hoops to jump through before the plan becomes reality in New York, but the innovative concept is one that Illinois should seriously consider too.

As everyone knows, legal education nationwide is in a state of crisis. The recession has led to a depressed job market for lawyers and to a generation of law graduates unable to find the quality of job they expected — or, in many cases, any law-related job at all.

Coupled with skyrocketing tuition costs at many law schools, college graduates have increasingly given up on their plans to get a law degree. The number of graduates taking the LSAT has plummeted by about 35 percent since 2010, and the number applying to law school has dropped at the same rate. Enrollment hasn't been this low since the 1970s, and forecasts for next year suggest the decline will continue.

Law schools have responded by reducing the size of incoming classes, lowering admissions standards or trying some combination of the two. The number of law graduates has accordingly declined by 15 percent since 2010, and this drop is likely to continue for some time.

Ironically, this is all happening at a time when society's unmet need for lawyers has never been

greater. The poor and vulnerable in our state (one-third of whom live below the poverty line) and across the nation typically find it impossible to hire an attorney to help with legal issues concerning employment, health care, housing, family law and domestic abuse — to name just a few broad categories.

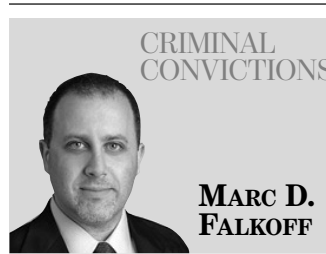
Of course, we haven't been sitting on our hands in Illinois. Of particular note is the Illinois Supreme Court's Access to Justice initiative, led by Chicago attorney Jeffrey D. Colman and Justice Thomas L. Kilbride. During its brief tenure, the initiative has already developed plain-language court forms to help the uninitiated navigate our court system, investigated ways to break down language-access barriers and considered proposals for enhancing pro bono participation by attorneys in the state.

His (Chief Judge Jonathan Lippman) Pro Bono Scholars proposal would allow law students to take the bar exam in February of their 3L year, on the condition that they spend the last semester of law school doing unpaid legal work for the poor.

Against this backdrop, the time is right for Illinois to consider a Pro Bono Scholars plan such as that being discussed in New York.

Here's how it might work. Lippman proposed that students in New York should have the opportunity to dedicate their last semester of law school to doing pro bono work for the poor. The students would receive law school credit for their efforts, while their schools would supplement their experience with a rigorous academic component to ensure the students were learning practice skills.

In return for working full-time



Marc D. Falkoff is an associate professor at Northern Illinois University College of Law, where he teaches and writes about criminal law and procedure. He can be reached at mfalkoff@niu.edu.

under the supervision of a legal service provider, a law firm or a corporation in partnership with the law school, the Pro Bono Scholar would be eligible to sit for the February bar exam during his or her 3L year, instead of having to wait until the July after graduation.

There are some clear benefits to this proposal. Up to 500 hours of free legal services per Pro Bono Scholar would be provided to the poor, who otherwise would almost certainly have been bereft of any legal assistance. The students, in turn, would gain real-life practice skills and the opportunity to develop meaningful mentor relationships with working professionals.

In addition to the important benefit of building a student's sense of professionalism, the program would also deliver tangible financial benefits. Students who pass the bar in February would be on the road to earning a law license and to begin practicing months ahead of the present schedule — giving them a head start on paying off their student loans. In some cases, the experience might even lead to a full-time job.

There are, of course, concerns

and challenges. One is that students will more or less lose a semester's worth of course work. Those who take to heart the "scare you to death, work you to death, bore you to death" description of the three years of law school will be little concerned about the modified final semester. But some of us still cling to the notion that there's value in exposing students to the breadth and depth that a full six semesters of coursework allows.

In addition, some will find it distasteful that students will be paying full tuition for their last semester of law school while receiving little in the way of formal instruction — all for the "privilege" of providing uncompensated work. At the same time, some licensed lawyers may be concerned that flooding the market with free labor will threaten to take paid work away from them.

Other issues present an organizational rather than a conceptual challenge. Will the Pro Bono Scholars have adequate time to study between the close of finals in the fall and administration of the bar exam in February? How soon will they be able to start their pro bono work after the bar, and how long into the summer will they be required to continue it? Will the proposal draw interest away from clinical and other experiential courses that have proven successful in the past?

Lippman's Pro Bono Scholars proposal may not be a panacea for the challenge of equal access to the justice system or for the crises that plague many of our nation's law schools. And many details need to be addressed.

But if tailored to the needs of Illinois lawyers and law students, the plan could enhance the law school experience for many of our students, bring about some enhanced employment opportunities and provide much-needed legal assistance for those most in need in our state.