

MEMORANDUM

TO: The Faculty
FROM: Public Interest Committee
RE: Faculty Pro Bono Proposal
DATE: November 1, 2000 (**Revised March 2003**)

The Public Interest Committee, pursuant to the direction of the Long Range Plan, and after an informal discussion with the faculty at a lunch in March 2000, proposes that the faculty adopt a policy encouraging and facilitating pro bono work by faculty.

The policy stems from two independent sources, one internal and one external. First, as an integral part of its Jesuit tradition and identity, Georgetown University Law Center is committed to encouraging its students to live a life in the service of others. Law faculty are important role models for students entering the legal profession, and our commitment as a faculty to facilitating and encouraging pro bono work by faculty as well as students may provide positive examples for students as they embark on their careers.

Second, many of us are lawyers, bound by the ABA's Model Rules of Professional Conduct and the D.C. Bar's Rules of Professional Conduct, both of which require that we perform pro bono legal work each year. (ABA Rule 6.1 and DC Rule 6.1 require that lawyers should aspire to render at least 50 hours of pro bono publico legal services per year). Not all of us are bound by these rules, however. Some of us are no longer practicing lawyers, or are not admitted to practice in the District. Others have never practiced; and still others are not lawyers at all. Yet we are all engaged in the training of young lawyers who will, upon their admission to the bar, become subject to the pro bono requirements of the ABA and many state bars.

Several factors have convinced us, however, not to impose on GULC faculty any additional requirement, above and beyond the existing bar requirements that obligate some of us already. Instead, we propose a policy of encouragement and facilitation. This is in part because in some sense the spirit of pro bono work is lost if it is mandated. It is also in part because some of us may have pressing obligations that preclude pro bono legal work at a particular time, and others who are not practicing lawyers may have good reasons not to do pro bono work, and we want to honor those determinations. As a result, we believe GULC can better promote pro bono work, both to help its faculty members who are bar members in meeting their bar obligations and to show students by example that law in the service of the less fortunate is an important calling, by encouraging pro bono work and facilitating those who choose to do it.

In encouraging and facilitating pro bono service, we believe a broad definition is advisable, to include most voluntary or charitable work on behalf of persons of limited means or charitable, religious civic, community, or governmental and educational organizations.

We believe the need is greatest among persons of limited means, and therefore we most strongly encourage work for such people or organizations designed primarily to address the needs of such persons, but we would include in the definition of pro bono work voluntary work for most nonprofit entities. We encourage those who are lawyers to provide legal services, and faculty who have skills and expertise in non-legal related fields to do charitable work in those areas. We believe the bar's benchmark of 50 hours per year is an appropriate goal.

We recommend adoption of the following policy steps to encourage and facilitate legal and other charitable work in the service of those in need by all of our faculty, whether members of the bar or not:

- 1) The Law Center, through OPICS, should seek to identify pro bono opportunities of a diverse range for faculty. In addition, we suggest that OPICS seek proposals for pro bono projects suitable for faculty from public interest organizations, which might then be posted on a website. And we recommend that the Law Center periodically invite public interest practitioners from the DC area to address faculty and/or a mixed audience of faculty and students about what they do and how faculty (and/or students) could get involved.

- 2) The Law Center should provide institutional support for faculty pro bono efforts, including reasonable research assistance and administrative support, *so long as the faculty member will not receive any attorney's fees, statutory or otherwise, or receive any other financial benefit.* Pro bono work done pursuant to this policy will be covered by the university's malpractice insurance. In addition, within budgetary constraints and subject to the Dean's discretion, Summer Public Service Project grants should be made available, equivalent to the Summer Writers' Grants, for faculty who agree to forego a Writers' grant and commit to undertake a substantial pro bono project that is likely to contribute to a faculty member's teaching and scholarship. Under this proposal, existing Writers' Grants funds would be used to encourage not only scholarly writing, but also substantial public service projects, and to cover the costs associated with such projects. Because faculty members could receive a Public Service Project Grant only if they surrendered their opportunity to receive a writers' grant, adoption of this policy should not increase the budget currently allocated for writers' grants, and would not increase faculty compensation, but would simply constitute a shifting of institutional resources to reflect our commitment to encouraging public service work, particularly where it furthers a faculty member's teaching and scholarship. Faculty approval of this proposal authorizes the Dean to expand the use of Writers' Grant funds consistent with this policy.

In the event that any faculty member doing pro bono work with GULC assistance obtains an award of attorneys' fees and/or costs, any support provided by GULC must be reimbursed to the Law Center.

3) Faculty members should report annually on their pro bono work to OPICS each September. The reporting would not go to the Dean's Office, and would not be part of job evaluations, but would be used by OPICS to publicize our faculty's collective pro bono efforts. We recommend that the Law Center award a pro bono award each year to a faculty member to recognize outstanding pro bono work, in much the same way that it awards a teaching award each year for outstanding teaching. And the Law Center, Public Relations, and OPICS should actively seek to publicize individual outstanding contributions to pro bono work on behalf of faculty, particularly in forums that would reach our students and alumni, such as by sponsoring brown bags with relevant student groups to discuss a faculty pro bono project, and to encourage coverage of faculty pro bono work in the Georgetown Law Weekly and alumni publications.

We emphasize that we are not suggesting the imposition of any kind of mandatory pro bono. Those who are members of the bar already are obligated to provide 50 hours of pro bono work each year. This policy is designed to express our commitment as a faculty and institution to facilitating the honoring of that obligation, and to encouraging legal and other charitable work in the service of those in need by all of our faculty, whether members of the bar or not.