

**IOLTA and the Law School:  
How one Supreme Court's decision is  
helping to change the face of legal education**

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**Summary of**

**A five year review of the  
Pennsylvania IOLTA Board's experience of  
funding law school clinical and internship programs**

## **IOLTA and Law Schools: Successfully Teaching Skills and the Pro Bono Ethic**

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IOLTA was slow to come to Pennsylvania, it was the forty-seventh state actually to adopt it. Even then, it was voluntary: termed opt-out by the legislation that created it, most Pennsylvania lawyers simply paid it no attention. Ten years later, the Pennsylvania Supreme Court seized hold of the program and required lawyers to participate. But in doing so, the Court changed the rules, saying that instead of just benefitting legal services and pro bono organizations, IOLTA would begin funding law school clinical programs as well.

The Court's motivations were dear - it wanted to increase the practical skills of the state's newest lawyers so they were not unleashed, untrained, on an unsuspecting public, and it wanted to try to instill the ethic of pro bono service in the profession's soon-to-be newest members. Five years and \$5.1 million later, the Court's innovation is a proven success. IOLTA's support of clinical legal education in law schools has helped to rekindle the profession's spirit of volunteer service while having provided free civil legal services to thousands of Pennsylvanians who had nowhere else to turn, all while making sure law students really do know what it means to practice law when they leave academia. It proves that skills training and pro bono can be linked successfully, to the benefit of the student, the school, the community, and the profession.

In 1997, not every Pennsylvania law school offered clinical legal education. In several, the opportunity to participate was very limited, because of enrollment limits, academic course requirements, or scheduling conflicts. One school's clinical program was contained within a computer lab, where students responded to the pre-determined needs of e-clients. A couple schools had embraced clinical legal education more fully, and did offer a range of clinical offerings. One had a mandatory public service requirement for all law students. In short, across the seven schools, the range was complete.

The IOLTA Board did not want its support of law school clinical programs to cause a reduction in the program's commitment to the delivery of legal assistance to the poor. For that reason, the Board decided to make awards to law schools dependent upon satisfaction of four criteria that complemented its other grant programs: first, the funds be used to address the current civil legal needs of the poor, organizations assisting the poor, or other charitable organizations; second, the law school has consulted with local area programs that provide free or low-fee legal services to the poor; third, the funds be used for live-client or other real-life practice experience; and, fourth, the law school itself was participating financially in the clinical program. In this way, the Board hoped to make each

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law school become a partner in every IOLTA-funded clinic. That would not only leverage IOLTA dollars, but also cause the law schools to consider the program integral to their other offerings, and not just an add-on that could be eliminated if IOLTA funding was later ended. It would also force them to become involved with, and perhaps even invested in, their local legal services network.

Over five years, the results have been an impressive range of projects. At one law school, an Immigration Law Program was initiated in partnership with a community-based organization providing services to that population. The students work with indigent clients on matters including asylum, non-asylum deportation, family petitions, citizenship disability cases and other matters. Four other law schools expanded their civil practice clinics allowing students to participate in administrative hearings and court proceedings. One established a Farmworkers Legal Aid Clinic, where students actually go to farm work sites to meet with their clients. Two law schools established summer internship programs with legal aid organizations across the state. One of the schools require that the students take a poverty law course, taught by poverty law practioners, after which the students must apply for the competitively available summer internships. Two law schools expanded their Community Economic Development Law Clinics where students have an opportunity to practice law in the context of helping community-based non-profit organizations form, meet zoning requirements, acquire buildings, and obtain federal non-profit tax status, among other activities, all while helping to establish homeless and other shelters where women and their children can escape an abusing spouse.

Most of the activities funded by IOLTA are for-credit offerings, but like the rock thrown into the pond, IOLTA has also helped spawn other public service opportunities. All Pennsylvania law schools now have some form of pro bono program in place. Some are staffed by IOLTA-funded positions, and others by law school staff. Some of the pro bono placements are with alumni of the law school, allowing students to partner with experienced lawyers, gaining practical skills while learning how professionals can actually fit meaningful pro bono service into high-charged private practice. The students can feel the unique responsibility they have as lawyers and guardians of the halls of justice.

The Board recently surveyed the law schools, their current and former students who participated in IOLTA sponsored clinics and internships, and legal services organizations to gauge the success in meeting the IOLTA objectives and the results are impressive. Representative of the comments from the law schools, one clinical director noted [e]ach clinical course has a two-fold educational mission. First, students acquire the traditional lawyering skills, including substantive and procedural law and the practical competencies fundamental to practice. Second, students learn to appreciate the special needs of the poor, and the impact students can have by applying their lawyering skills to help them. The transformative impact of this experience is often seen in students and supervisors accounts, as they acknowledge the personal change as a consequence of their clinical work .

About 800 survey instruments were sent to students, yielding 191 responses. All of the students felt that their experience had a positive impact on increasing their knowledge or perception of public service legal work. Indeed, 70% indicated that the impact was significant. The results were the same when students were asked if the experience helped in their understanding of the needs of the poor and under-served to have legal assistance made available to them. Eighty per cent thought the impact was significant. Ninety per cent expressed the view that they have an interest in pursuing public service work after graduation, and in providing pro bono services after they go into private

practice.

A prominent theme that emerged when students commented on how they gained a deeper appreciation of their public service responsibilities as lawyers is represented by this quote from a law student who participated in a clinic offering: The clinic has made apparent to me how important and much needed pro bono legal representation is to members of the community who rely upon it. I feel more of an obligation and overall duty to perform pro bono legal work as a result of the clinic. This sense of duty carries over after the students graduate and seek to associate with a private practice. Commented one former student: In my search for a private practice employer, one of the critical concerns was whether or not satisfaction of the ethical pro bono requirements was supported and encouraged, and if so, how. It is very clear from student responses to the survey that the clinical and internship experiences significantly impact the ethical and professional views held by the students, and helped ingrain the impact and influence that lawyers have on the lives of those that they touch, and in particular, the vulnerable poor.

As a matter of grant criteria, law schools are required to consult with poverty law and pro bono programs in their areas, and for most, this has led to collaboration in the operation of their clinics and pro bono programs. In some instances, the law schools hire staff lawyers from the poverty law programs to serve as adjunct professors and in-house clinical supervising attorneys. At several schools externships have been established at neighborhood offices of the poverty law programs. Some programs (but not all) are appropriately compensated for the supervisory responsibilities carried out for the extern-ship. The pro bono programs that responded to the survey uniformly compliment the law schools and the valuable help law students provide when partnered with pro bono counsel. Said one director: Client cases are referred to either volunteer or supervising attorneys who are matched with either volunteer law students or paralegals. Approximately 40% of all of [our program s] client case referrals are handled by law students from [the surrounding law schools]. Considering [our program s] 600 clients per year, this is an enormous contribution to [our] success.

There is no doubt that as a result of IOLTA funding, Pennsylvania law schools have come a long way in providing supervised practice opportunities for their students in the past five years. As implemented by the Pennsylvania Supreme Court, the IOLTA Program s funding of law school clinical programs is having a profound impact - on students, on clients, on neighborhoods, and on the law schools themselves. It has the potential of having a profound impact on our profession as well.

While not going directly to legal aid, the IOLTA funds are being used wisely and with purpose, not only to educate law students, but also to use service-based learning to inculcate a pro bono ethic while providing desperately needed services to the community. And, as the students leave their law schools and begin their practices in other places, taking with them the experiences they have had using their skills for the benefit of the public, there is no doubt that this is just the beginning.

**Challenges.** The survey of law schools, law students and legal services and pro bono organizations will help the PA IOLTA Board focus its attention in the years to come. Four prominent areas among the challenges are:

- " Students have confirmed that large educational debts are making it impossible for them to pursue or accept jobs in the public interest. Law schools and the

state legislature should be encouraged to increase programs that will forgive loan payments for lawyers willing to work in poor areas.

- " Law firms must assure that the pressure for billable hours is not so great as to foreclose the pro bono service that many young associates desire to perform. As one graduated student warned after praising the experience in an IOLTA clinic, [t] he demands of law firms for billable hours directly impacts a lawyer s ability to do pro bono work. More demand needs to be placed on managing partners than on young associates.
- " Legal education, when supplemented by placement of students at legal aid organizations, provides excellent supervised practical experiences to reinforce the theoretical and doctrinal aspects of traditional law school course work. While the law students help the legal aid organizations achieve their missions, the supervision needed for the students diverts precious time from program advocates. Efforts should be made to assure appropriate funding is provided for the supervision provided by the legal aid organizations.
- " Private lawyers, who are able, should consider establishing their own Fellowships for students willing to take jobs (summer or permanent) in legal aid offices, instead of naming rooms in law schools: the profession must have a legal aid job creation strategy, since governmental funding has been stagnant or declining for more than 20 years.