

RISKS AND REWARDS OF LAW STUDENT VOLUNTEER SERVICE: A SUPERVISOR'S PERSPECTIVE

Julie E. Bennett[†] and Sharon H. Fischlowitz^{††}

I.	INTRODUCTION	109
II.	WHY ATTORNEYS SUPERVISE STUDENT VOLUNTEERS.....	110
	A. <i>Increased Capacity to Serve Underprivileged and Underserved Clients</i>	111
	B. <i>Improved Client Interaction</i>	111
	C. <i>New Perspectives on Legal Practice</i>	112
	D. <i>Long-Term Results</i>	112
III.	RECOMMENDATIONS FOR SUPERVISING SUCCESSFULLY.....	113

I. INTRODUCTION

During the 2002 academic year, law students in Minnesota contributed 16,078 pro bono service hours.¹ This level of student pro bono activity is possible only because licensed attorneys take the time to supervise and guide students. Volunteer supervision, a task separate from the practice of law, requires time, patience, and teaching skills, and has no guaranteed outcome. One might conclude that the necessary investment is not worth the effort. However, year after year, supervisors and volunteers continue to give thousands of service hours, providing critical legal services to clients who would otherwise go unrepresented. This essay examines some of the risks, challenges, and benefits of law student

[†] J.D., 1993, University of Minnesota Law School. The coauthor is a staff attorney at Central Minnesota Legal Services, where she practices family, housing, and government benefits law. Currently, she serves as the Treasurer for the Minnesota Justice Foundation (MJF), and has served on the Board of Directors since 1998.

^{††} J.D., 1996, William Mitchell College of Law. The coauthor is the Executive Director of MJF, a nonprofit organization, which has been linking law students to volunteer opportunities and summer clerkships since 1982.

1. Minnesota Justice Foundation, LAW SCHOOL PUBLIC SERVICE PROGRAM STATISTICS (noting that 502 students contributed pro bono, law-related service) (1983-2001).

volunteer service.²

II. WHY ATTORNEYS SUPERVISE STUDENT VOLUNTEERS

When supervising attorneys choose to work with law student volunteers, they accept the responsibilities of managing their own time, their clients' time, the students' time, the quality of the work product, and ultimately, the outcome of the case. Supervisors may spend more time supervising a law student than it would take to handle the matter without the student's assistance. Supervisors must train, oversee, and carefully review student volunteers' work. Occasionally, supervisors spend time repairing unsatisfactory student work, or filling gaps when a volunteer disappears after the supervisor has come to rely on that volunteer's participation. Yet, despite the problems that may arise when supervising student volunteers, attorneys take on the challenge because the benefits outweigh the risks for the supervisors themselves, the agencies, the clients, the students, and the community.

Supervisor-student collaboration creates a number of concrete, short-term benefits, including increasing services for underprivileged and underserved populations, leveraging scarce resources, improving client interactions, improving the supervisor's skills, gaining new perspectives on legal theories, and participating in the educational and professional development of students. Furthermore, working with student volunteers benefits the community in the long term because many student volunteers go on to work as pro bono and public interest attorneys.

2. Together, the coauthors of this article have nearly fifteen years of professional experience serving and supervising law student volunteers. Through MJF's two programs, the Summer Clerkship Program and the Law School Public Service Program, thousands of students have given more than 100,000 law-related service hours to legal services offices and clients, primarily in Minnesota, but occasionally throughout the United States. MJF remains an independent nonprofit, governed by a board of directors composed of law students, attorneys and advocates in the public and private sectors, and community members. MJF annually coordinates more than 2660 volunteer opportunities with more than 150 legal services and advocacy organizations. *See generally* Susan J. Curry, *Meeting the Need: Minnesota's Collaborative Model to Deliver Law Student Public Service*, 28 WM. MITCHELL L. REV. 347 (2001) (offering a full description and history of the program).

A. *Increased Capacity to Serve Underprivileged and Underserved Clients*

Without a doubt, the most important immediate benefit that results from working with student volunteers is increasing the capacity for serving underprivileged and underserved populations. On this front, student volunteers are a significant resource, as they undertake legal research projects, draft legal memoranda and other documents, interview clients, investigate facts, gather evidence, represent clients before administrative agencies, and provide general support. Often, student volunteers submit high-quality work. Supervisors note that their student volunteers are “thorough” or “competent” or “good worker[s].”³ Supervisors often praise their volunteers’ legal skills, noting “excellent writing and analysis—clear, concise, to the point,” or “excellent pacing, content and adaptability in direct and cross examinations” or “dogged in fact development” or “persuasive courtroom performance.” Students also have increased the capacity to serve by “training new volunteers.”⁴

A successful supervisor-student team strengthens the legal skills of both, while expanding service to clients. Supervisors have noted the ways in which their volunteers embodied many of the essential elements of teamwork, characterizing students as “willing to take on large and small tasks,” “willing to pitch in whenever needed without being asked,” having a “positive attitude,” being “flexible,” “friendly,”⁵ and “eager,” and bringing a “sense of humor” to the workplace.⁵ Supervisors have also noted that students perform well as part of the team, demonstrating an ability to “work well independently,” “apply self to assigned tasks,” pay “attention to detail,” and “manage a heavy workload.”⁶

B. *Improved Client Interaction*

In addition to increasing capacity, the participation of student volunteers improves the quality of client interaction. As students learn the practice, they often spend extra time in client interviews and, as a result, forge stronger bonds with their clients. In

3. Supervisors regularly return evaluations of MJF law student volunteers. MJF supervisor evaluations are on file with coauthor Fischlowitz.

4. *Id.*

5. *Id.*

6. *Id.*

response, clients often feel more comfortable with students than attorneys because clients find student volunteers more approachable. Also, students may be more accessible to clients than attorneys, who generally must manage caseloads and other commitments. While students often are responsible for specific cases, their caseloads are generally smaller than supervisors' caseloads, making it easier for clients to reach students. MJF supervisors regularly note a range of law student volunteer qualities that improve an organization's service to its clients. According to the supervisors, volunteers are "friendly," "kind," or "interested," are "compassionate and understanding with clients," show a "great rapport with clients," and serve as "zealous advocate[s] for clients while working with staff, attorneys, and court personnel."⁷

C. New Perspectives on Legal Practice

While attending law school, a student's primary responsibility is to learn the substantive law and surrounding legal theories. Volunteer service provides students with the opportunity to apply theoretical knowledge to actual cases. Through this application, students often bring a fresh perspective to a specific case. The eager enthusiasm of a student can invigorate and renew the spirit of a practitioner who has taken on a supervisory role. For example, a student may bring a theory discussed in a recent contracts class to a housing case, creating new law in the area. Even when the theory is familiar to the supervisor, it is often the student's contributions that make its implementation possible.

D. Long-Term Results

In the long term, law student volunteers often become committed public interest and pro bono attorneys. This possibility encourages and inspires supervisors to form partnerships with law student volunteers. In a less-than-perfect world, there will always be more clients than money and staff to serve them. By introducing a student to the world of public interest law and to the great need for public interest practitioners and pro bono service, supervisors can create an understanding of the legal needs of the underprivileged and the underserved. Supervisors provide the opportunity for students to experience the fundamental truth that underlies public

7. *Id.*

interest practice: the poor, disabled, and undereducated should have access to justice. Such an awareness encourages, perhaps even compels, students who enter private practice (approximately 50% of the profession) to contribute pro bono service throughout their careers.

Furthermore, a rewarding volunteer experience can help instill a career-long commitment to public interest law, and supervisors play an integral role in that process. Students take volunteer opportunities in part to explore possible career paths. Public interest work encompasses many different legal areas, and student volunteers have the opportunity to experience transactional law, litigation, research, policy formulation, and so forth. This affords students the chance to explore their own strengths and weaknesses, giving them insight into what type of law they may want to practice. Students, through their volunteer experience, may find a professional fit as a litigator, legislative advocate, mediator, or educator. Supervisors can play a unique role in helping students evaluate their aptitude and desire to pursue a career in public interest law. Supervisors may broaden students' perspectives by offering views into the issues that affect the underprivileged and underserved, thereby fostering empathy and providing information and experience student volunteers need to make informed decisions about their career goals.

III. RECOMMENDATIONS FOR SUPERVISING SUCCESSFULLY

Quality supervisor-law student teams form when the team invests time at the outset to establish open communication. This communication should include training and discussions of expectations and goals. Supervisors must talk to students about confidentiality, the importance of maintaining consistent hours, the quality of work product, the limits of the student's representation, and professional self-presentation. Students must communicate their expectations, current skills, skills they would like to develop, and their comfort level with various aspects of the volunteer experience.

An excellent practitioner will not automatically be an excellent supervisor. Training a law student to practice requires a distinct set of skills. It takes significant time and effort to develop an effective training method and style, and supervisors must be willing to impart their wisdom to each new law student volunteer for each case. Furthermore, attorneys must confirm students' understanding

of tasks and timelines, their familiarity with research tools and materials, and their ability to conduct research at the particular offices to which the students are assigned.

Supervisors often have significant control over the quality of students' experiences. In fact, supervisors have the ability to set students up for success and can do so by delegating tasks appropriately. When working with law student volunteers, attorney supervisors accept the additional responsibility of providing a quality learning experience. Supervisors must ensure that the delegated tasks are intellectually stimulating and that students' legal skills match the challenges presented to achieve success.

Supervisors should also talk to students about professional self-presentation. Students and supervisors should discuss how and when students should talk to clients, social workers, and other attorneys; and supervisors should give student volunteers clear guidelines regarding standards of dress for the office, court, client meetings, and other professional situations. Supervisors should remember that not every student has had the opportunity to interact with a group on a professional level and should recognize that not every student has interacted with clients with personality, mental health, or educational disabilities. Such factors can be daunting to students who have not had such exposure. Supervisors need to create an atmosphere where students' uncertainties are validated, but not at the expense of clients or projects. Because students may be the initial point of contact, students should be prepared to deal with clients as well as the many other entities that may be involved in any given case.

Supervisors also need to remember that students are just that—students. They are there to learn, and even the most competent require supervision. Supervisors must regularly monitor the progress of assigned tasks. While giving students some autonomy is important, the supervisor is ultimately responsible. Students are charged with vigilance as students, not attorneys.

In sum, law student volunteers, a crucial component of a legal services delivery system, make it possible for a community to leverage its limited resources, for a supervising attorney to find a fresh perspective, and for a client to be better served. Law student volunteers are also more likely to become pro bono and public interest attorneys. Therefore, the benefit students bring to the community continues to far outweigh the challenges and potential risks involved.