



THE PUBLIC INTEREST AND  
PUBLIC SERVICE LAW CENTER

# ANNUAL REPORT 2023

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## **New Initiatives**

As the 2022 report explained, Dean Dayna Bowen Matthew has brought new energy and funding to the law school's Public Interest Program. The long-term [Vision Statement](#) for the Program will serve as the basis for future expansion and fundraising efforts.

The initiatives that the Dean began last year have already borne fruit. First and most significant, we have received a very generous gift from the family of GW Law alum and Public Interest Advisory Council member Marc Fleischaker, which has enabled us to hire a full-time public interest program coordinator Anapaula Pérez-Gaitan. She has many talents, but from the student perspective, she will be available to provide much needed information to help students find their niche in the non-profit or government worlds. She is also responsible for our much-expanded [website](#), and she will be in charge of the arrangements for the four mid-career public interest lawyers who will come to the school as [Richey Fellows](#) for separate three-day visits [this coming academic year](#).

Finally, with initial funding from other Council members, we have been able to provide supplemental funding for unusual rent and/or travel expenses for students with summer public interest jobs, as well as modest additions to the grants that the student-run Equal Justice Foundation provides, and two grants to offset bar prep costs for public interest graduates whose employers do not pay for those expenses.

## **Related Law School Programs**

For those new to GW Law School (and for many who have been here for some time), there is often uncertainty about the relation among the Pro Bono Program, the Clinics, and the Field Placement Program. A short summary explaining how these three parts of the experiential learning fit together, which also contains links that provide further information about each program, is [here](#).

The overall Public Interest Program is broader than those components and includes career counseling, special events, and the other activities that are

designed to foster the goal of making available the whole range of opportunities for students interested in public service broadly conceived.

For the past thirteen years, I have chosen five incoming students who receive the designation of Public Interest Scholar, which mainly means that I am their faculty mentor and provide them additional guidance regarding their public interest careers, plus a Supreme Court trip to hear oral arguments without having to stand in line. The five students also receive \$5000 for a summer public interest job after their first year.

### **Public Interest & Pro Bono Pre-Orientation and Other Special Programs**

As it has done for the previous twelve years, the 2022 public interest program began with incoming students arriving early for a voluntary Public Interest & Pro Bono Pre-Orientation program that is unique to GW. Our standard number of 90 new students participated in the three-day long program, which is designed to introduce students to public service in Washington, D.C. All students who indicated an interest in Public Interest on their application were invited. They were led in small groups by 6 upper-level students and 3 law school staff. The program was fully live for the first time since before the pandemic started. All groups visited with or attended some combination of the following:

- Bread for the City (community service)
- Council of the District of Columbia
- Executive Office of the Mayor of the District of Columbia
- Human Rights Campaign
- Office of Administrative Hearings
- U.S. Court of Appeals for the Armed Forces
- U.S. Department of Justice U.S. Attorney's Office - D.C.
- The Veterans Consortium
- Reflections on Pre-Orientation
- What Would You Do? A First Look at Legal Ethics



Every spring, twelve students from the Immigration Law Association go to some place along the US-Mexico borders to explore the related problems of border control and immigrants seeking legitimate entry into this country. In prior years the group went to Texas or Arizona, but this year they visited San Diego which is just across the heavily trafficked border from Tijuana. They visited private and federally operated detention centers with Benjamin Prado of the American Friends Service Committee and attended a panel discussion with the Casa Cornelia Law Center, a local pro bono legal services organization. The goal of these trips is to enable students to understand both sides of the very difficult problems surrounding immigration from the perspective of migrants and the federal government.



## Justice Breyer Comes to the Law School

Retired Supreme Court Justice Stephen Breyer and I met many years ago when he was a law professor at Harvard, and we have remained friends ever since. When he announced he was leaving the Court, I asked him to do a series of five conversations here at the Law School and he generously agreed. For the first one, [I interviewed him and his brother Charles](#) (who is a federal judge in San Francisco) about how lives before law school affected their career choices and how they saw the law.

Dean Matthew interviewed the Justice for the [second session](#) which focused on his years at Harvard Law School, both as a student and as a teacher, his clerkship with Supreme Court Justice Arthur Goldberg, his time at the Antitrust Division at the Justice Department, and his work with the Watergate Special Prosecutor's Office.

The next two sessions will be in the fall. The first will cover the time when the Justice worked for Senator Edward Kennedy and the Judiciary Committee. The interviewer will be Ken Feinberg, who worked with the Justice there and is recognized as one of top mediators in the United States; among other programs, he was responsible for allocating the money from the 9/11 Victims Fund. The other fall session will discuss the Justice's service on the First Circuit Court of Appeals and as an initial member of the United States Sentencing Commission. The final session will be in the spring and will cover

the 28 years he was on the Supreme Court.



## Jobs

Despite the pandemic, or as some seem to think, because of it, the legal job market bounced back. In addition, after the Trump hiring freeze ended, and those who thought that government can be a force for good if used properly, more students seemed interest in jobs in the federal government. In the end, over 21% of the 2021 graduating class (the last one for which we have data) had federal, state, or local government, or non-profit jobs, not including judicial clerkships (10%). Moreover, our students are in a better position than many, not only because being in Washington makes it easier to learn about openings and move quickly, but also because almost five hundred of our students participate annually in externships through the Field Placement Program, which is among the largest of its kind at any law school. Participants in that program gain real world experience, for academic credit, in government and non-profit jobs. What is even more significant is that, doing a good job at a Field Placement can be an

excellent way to land a permanent position there, or at some other place else where a satisfied supervisor is happy to recommend a student. Starting in mid-March 2020, all our placements were remote, and like most legal jobs today, they are hybrid, with our students now able to see what these offices are actually like.

For many years, there has been public criticism of Congress and the federal agencies for not paying their interns. That changed this past year for at least some federal agencies. After a year of studying the change, the Field Placement program now allows students to be paid (and receive academic credit) if they work for a government agency and for most non-profits. We are continuing to examine the impact that pay might have on the learning process, and the school will revisit the issue in two years. The change does not apply, and is not likely to apply at GW, to internships in the private sector because there are so many positions available in Washington with non-profit and government offices.

There are three other parts to the jobs function: (a) informing students about public interest or public service jobs, and why they are worth pursuing; (b) making specific information about specific jobs readily available; and (c) assisting in financing those opportunities and advising students about federal laws that make accepting such positions after graduation much more financially feasible.

Much of the basic information dissemination work used to be done by the Career Center, but increasingly Anapaula is taking on this function. I once again addressed four of the six Inns of Court in a special session on alternative jobs and why students should explore them. We have also arranged to have speakers who will broaden student horizons on the world of public interest law and assist students seeking post-graduate public interest fellowships, this coming year to be augmented by [the four Richey mid-career public interest fellows](#).

On the financing side, the federal loan repayment and loan forgiveness programs are a major help to students who wish to take lower paying jobs, with governments, non-profits, or even law firms that serve middle income clients. The basics are described [here](#).

Over the years there have been various efforts to reduce or eliminate the program, which forgives federal loans if the borrower has worked for 10 years in public service jobs, and the Trump budget contained some serious threats to the program, but they did not materialize. The Department of Education is charged with running the loan forgiveness program, but it had done so in what could charitably be called an unenthusiastic manner - and not just under the Trump administration. Finally in October 2021, the Department made major changes in the implementation of the program so that it actually appears that it supports the concept of public service loan forgiveness, instead of fighting it. The Department sought input in advance of those changes, and we submitted comments on behalf of our students emphasizing how important it was for students to be able to know that they would get the loan forgiveness when they made career decisions, not just when they had repaid their loans for the required 10 years. Now that the Supreme Court has stopped the Biden loan cancellation program, we expect that more effort may be made to augment the loan forgiveness program, and we will be keeping an eye on developments.

The Law School also has a modest Loan Assistance Repayment Program, which is designed to help students who take low paying law-related positions in government service or at public interest organizations with the repayment of their law school debts. In 2019, we undertook a full review of the program and made significant changes, which have made it more transparent, provided objective criteria for granting assistance, and reduced the amount of discretion to assure that like graduates are treated the same. The temporary halt in repayments of student loans enacted by Congress complicated our program, but we continued to help those who have made payments, even if they could have deferred doing so. [Here](#) is how it operates. This is one of the targeted areas for donations for the public interest program because all of the money goes to graduates who are doing public interest work.

Since I arrived at GW, my long-term goal has been to provide funding so that every student would be guaranteed a living wage (adjusted regularly for inflation) for a summer job in a non-profit organization or a government agency.

We have a very modest program now that, together with the funding from the student-run Equal Justice Foundation, provides for stipends or tuition remissions for about 90 students a year, far less than the demand. This year all of the students who were selected received \$5000 or \$6000 depending on whether they were rising 2Ls or 3Ls. I continue to work with the Dean and the Development Office to bring in additional sponsors for summer grants, and we have added almost ten in recent years. In addition, support from our Advisory Council enabled us to supplement these grants for students who had summer jobs in distant places or whose rent expenses were out of ordinary, generally because they had to keep their local place while living elsewhere.

### **Pro Bono**

With the negative impact of the coronavirus on pro bono work by our students almost finally dissipated, our students were able to engage in significant pro bono work under the overall supervision of Assistant Dean David Johnson. The graduating class, whose entire first year was virtual and whose pro bono opportunities in their other years were still significantly reduced, had 170 students who still managed to volunteer 54,212.78 pro bono hours, an average of almost 320 per student. Unlike a number of other schools, those hours include only those for which the student receives neither academic credit nor any form of pay. To put that average in perspective, New York State requires only 50 hours of pro bono work for admission, and it counts hours for which the student receives academic credit or is paid for work at non-profits. Another way to think about this year's accomplishment is to recognize that it is almost nine times the 6,380.5 hours recorded by the 64 members of the class of 2011 when the pro bono program began in earnest. We hope to continue to record pro bono hours in this range for the future, as we try to bring on more opportunities for more students. When we can start to do that will depend in part on when the courts reopen in person and the impact that virtual court sessions will have on our ability to find courthouse opportunities. Not only did these 170 students have

the satisfaction of helping others, but they, joined by their guests, were honored at a ceremony where they received their pro bono certificate from the Dean.

In a city in which there are so many individuals in need of legal services, it should not be difficult to find ways for law students to bridge some of that gap. But it is not easy. Most existing organizations are not set up to take on volunteers for a variety of reasons, some understandable - no space and the student's lack of a specific commitment to give a significant amount of time - and others less so (it means changing the way things have always been done). Then there is the concern, largely over-stated, that law students might be providing assistance in a way that could be construed as giving legal advice. As a result, while some of our students volunteer at existing organizations (mainly doing intake work), we have built our pro bono program on new ideas and new approaches, as the projects discussed below illustrate.

There are three other ingredients, at least two of which are essential for every successful pro bono project: a committed partner organization, enthusiastic students, and well-thought-out logistics. The best ideas for projects will go nowhere unless there are willing partners and students who want to carry the ball and bring along others who are not ready for leadership roles. In some cases, such as our original domestic violence assistance project, the idea came from a student, and our role was to make it happen by opening doors and solving problems, which we did until some local court officials thought we were doing too much, even though there were never complaints about the quality of what our students did. In others, such as the probate court project, the idea came from outside the law school, and it succeeded because of stronger support from the Probate Division of the Superior Court, but was stopped when the court went all virtual. No matter what the source, the idea can bear fruit only if there are individuals who want to see that the project actually gets done and who can help solve any logistics problems. And on the logistics side, the surest way to kill a project is to have either students or the individuals they are hoping to serve sit around without the other essential components. This past year, the pandemic

continued to create barriers for new and existing programs, especially those that were at the Superior Court.

Here are highlights of the 2022-23 pro bono year:

- In conjunction with GW Hospital, we started a new Cancer Pro Bono Project
- We spearheaded GW Law's involvement in the US Olympic & Paralympic Committee's inaugural Legal Diversity Mentorship Program, selecting two of our students to participate.
- We also advertised countless projects to students, including (1) Human Rights First, (2) Rising for Justice (expungement/record sealing), and (3) Volunteer Income Tax Assistance.

Live pro bono training by legal services providers was reduced during the pandemic, and so two local law schools (American and Georgetown) joined forces with GW to create a shared virtual pro bono training. Indeed, it was the pandemic that gave us ideas for permanent improvements that make it much easier to provide those trainings. Because trainers do not have to go to each campus, they can reach a much larger audience, and their sessions can easily be recorded and shared at multiple institutions. This academic year, the virtual trainings included:

- Capital Area Immigrants' Rights Coalition (CAIR)
- Neighborhood Legal Services Program
- The Veterans Consortium
- The Washington Lawyers' Committee: Workers' Rights Clinic

It is very hard to create, maintain and grow pro bono projects because our partners change their priorities, and they find that they can handle the program on their own without our direct assistance. Nonetheless, we continue to send students for pro bono assignments to long term groups such as the Washington Legal Clinic for the Homeless. In addition, several of our projects - the Bankruptcy Clinic, and the Probate and Landlord-Tenant Projects at the Superior Court - fell victim to Covid because they could no longer serve the public, but may come back in a reduced Covid world. And the project that helped individuals

without lawyers in the Family Law Division of the Superior Court has now been incorporated into one of the Law School's clinics.

There is one idea that we hope to advance now that we have an alumni advisory council: encourage our alums in small and mid-size firms to do more pro bono work, by making students available to assist them. That would build on our current work in which we have connected GW law alums to non-profit organizations that need pro bono lawyers. Our successful efforts to persuade the Department of Labor to allow students to volunteer for pro bono work at for profit firms makes this possible, but the challenge remains to connect up the student, the lawyer, and the pro bono project.

### **Conclusion**

Under the leadership of Dean Matthew, the public interest program is poised to make major strides in expanding its activities and providing a true public interest community to which students, faculty, & staff are attracted. We are very excited that this will enable the program to go to a new level, and we are eager to make it happen. We have made considerable strides in the past fourteen years, but there is a long way to go in providing more opportunities for our students and in augmenting services to our community. We look forward to continuing to explore new ways to achieve our goals and to make George Washington the "public interest law school."

Alan B. Morrison