

July 2022

ANNUAL REPORT 2022

ALAN B. MORRISON LERNER FAMILY ASSOCIATE DEAN FOR PUBLIC INTEREST & PUBLIC SERVICE LAW

Re-Energizing the Public Interest Program

Dean Dayna Bowen Matthew arrived at the Law School in August 2020, in the middle of the coronavirus pandemic, but that did not stop her from embarking on her plan to move the school forward on many fronts. One of her areas of special focus is the public interest program – broadly conceived – and her efforts have already made a difference, with much more to come.

Among the changes were: (a) the first increase in funding for summer internships in at least 15 years; (b) creation of an alumni advisory council for the program that will, among other activities, vastly increase the access of students to alums who have careers in the non-profit or government worlds; (c) convening of regular meetings of public interest students and the Dean so that she hears their concerns directly; (d) the creation of a program to bring in 2 to 4 mid-career public interest lawyers a year to meet with students and provide vital guidance on how to realize their career goals; and (5) most significantly, the creation of a Public Interest Center that will have a full-time administrator to serve the needs of our students and coordinate the various aspects of the program. And that is only the beginning as the Dean has committed to an aggressive plan of fundraising for the program.

Introduction

While all these changes were moving forward, the program had another strong pro bono year. Despite almost a year and a half of the coronavirus pandemic, and another year with its remnants, 233 students in the graduating class of 2022 volunteered a total of 74,229.317 hours, or

an average of almost 319 hours per student. That is the third highest number of students and the fourth highest number of hours. 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 11.6 times more than 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 other organizations are comfortable in having students volunteer there. Thanks to the herculean efforts of Assistant Dean David Johnson, we held our pro bono recognition ceremony in person again this year, with friends and family not limited to watching online as was true the last two years.

As in the past, my work as associate dean can be roughly divided into three parts: (1) special programs; (2) assisting students locate public interest and public service jobs and working to make it financially possible to take those positions; and (3) providing meaningful opportunities for students to do pro bono work and supporting students who wish to do it. On the job side, Siobahn Madison and Debbie Baker did most of the day-to-day work; on the pro bono front, David Johnson is responsible for much of what we do.

For those new to GW Law School (and for many who have been here for some time), there is often uncertainty about the relation between the Pro Bono, the Clinics, and the Field Placement Programs. In 2019, at the urging of Laurie Kohn, who is the director of the clinics, we prepared a

short summary explaining how these three parts of the experiential learning fit together. It also contains links that provide further information about each program.

<https://my.law.gwu.edu/Departments/PubInt/deptContentManagement/Manage%20Department%20Documents/Experiential%20Learning%20Programs%20Overview.pdf>. The overall Public Interest Program is broader than those components and includes career counseling, special events, and the full range of activities that are designed to foster the goal of making available the whole range of opportunities for students interested in public service broadly conceived.

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

As it has done for the previous eleven years, the 2021 public interest program began with incoming students arriving early for a voluntary Public Interest & Pro Bono Pre-Orientation program that is unique to GW. Due to the pandemic, we hosted a hybrid program which was a step in the right direction from the previous year's fully remote event. Our standard number of 90 new students participated in a live program consisting of visits to the Office of Administrative Hearings, community service at Bread for the City, a discussion of a real case with me on legal ethics, an introduction to public service at GW (i.e., our clinics, field placement and pro bono programs), a reflection, and a closing reception. On the virtual side, we were able to invite all 279 students who had expressed an interest in our public interest program in their applications. This programming, which the in-person group could join if their schedules allowed, included: (1) court-watching of a livestream of Cook County IL court proceedings followed by a discussion, (2) a visit with the Council of the District of Columbia, (3) a discussion with attorneys at the Washington Clinic for the Homeless (4) an introduction to DC Superior Court, (5) a meeting with the Arlington County Public Defender, and (6) a meeting session with Equal Justice Fellows at The Veterans Consortium. We expect the law school to be in person this year, and so

the Pre-Orientation will be fully live, although we will still not be able to visit the Superior Court which remains closed to the general public. Instead, we will visit the Court of Appeals for the Armed Forces for the first time.

The public interest program has two other special programs during the year that give the students unique learning and service opportunities. The first is called the Gulf Recovery Program, which was started in the wake of Hurricane Katrina in New Orleans but has now morphed into a week-long effort in which 24 students are exposed to the special problems of obtaining access to justice in New Orleans. However, Covid forced cancellation of the trips in 2020 and again at the last minute in 2021.

The other major public interest event outside of Washington DC is at an Alternative Spring Break where twelve students from the Immigration Law Association have gone to the South Texas border, most recently Laredo, Texas, to explore the related problems of border control and immigrants seeking legitimate entry into this country. Activities on the trip included educational presentations from members of the local immigrant community, assisting with Know Your Rights presentations at a local charity, volunteering, and cooking meals at a local domestic violence shelter, conducting remote NRI (non-refoulment interviews) phone screenings with Akin Gump as part of the Border Protection Project, and a tour of Jones Day's pro bono Border project offices. The photo below was taken of the group at this year's tour of the border area:



In place of our traditional one-day live Pro Bono Fair, which has experienced dwindling provider interest due to the pandemic, four local law schools (AU, GULC, GW and Howard) joined forces to create a shared virtual pro bono fair. This enabled students to work virtually with six providers - the Rising for Justice expungement project, Community Legal Services for Prince George's County, Inc., the Washington Lawyers' Committee Workers' Rights Clinic, Christian Legal Aid of DC, the Capital Area Immigrants' Rights Coalition, and The Veterans Consortium. The pandemic showed that the virtual world has given us ideas for permanent improvements that make it much easier to provide pro bono 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.

Jobs

Despite the pandemic, or as some seem to think, because of it, the legal job market has 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, almost 24% of the 2021 graduating class had federal, state, or local government, or non-profit jobs, not including judicial clerkships. 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 the 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, including most of both summers, but this last year many more started being in person, for at least some of the time.

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. We are examining the impact that pay might have on the learning process, but are allowing students who have internships with agencies that require their interns to be paid to accept those positions and still receive academic credit, but that change does not apply and is not likely to apply at GW to internships in the private sector.

There are three other aspects 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 information dissemination work is done by the Career Center, by David and Rasheen Robinson. I once again addressed four of the six Inns of Court in a special session on alternative jobs and why students should explore them. Led by the Career Center, 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.

For the past twelve 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 – when the Court holds in person arguments, which it has not done since early March 2020. The five students also receive \$5000 for a summer public interest job after their first year.

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 at: <https://gwlawdean.wordpress.com/2010/10/13/making-public-interest-affordable/>. 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 has done so in what could charitably be called an unenthusiastic manner - and not just under the Trump administration. This past October,

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.

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, led by Philip Hawkins, who was the Law School's director of financial aid until this May, 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 <https://www.law.gwu.edu/sites/g/files/zaxdzs2351/f/downloads/LRAP-Program-Information-2019.pdf>. Now all we need is more funding so that we can assist more than the 30 students who we help in an average year..

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. This year all of the students who had completed one year

received \$5000 or \$6000 if they had finished their second year. 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.

Pro Bono

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 component. This past year, the pandemic continued to create barriers for new and existing programs.

Our most successful and innovative project has been the Mid-Atlantic Innocence Project (MAIP), which is a separate organization that was here at GW for 10 years under a unique arrangement that we have tried, but unable to replicate with other groups. We had extensive placements there during the school year and the summer, and in addition we had three sets of cases screenings a year, in which students reviewed files and then met with MAIP staff and practicing lawyers to discuss whether MAIP should investigate the case further because the inmate appeared to be actually innocent. In part because MAIP moved from GW space in the fall of 2020, and in part because of the pandemic, our program with MAIP has been reduced, but this spring we were able to retain the screening part of the program, in which 80 students participated.

The situation with MAIP illustrates a further truth about the efforts of the law school to create, grow, and maintain pro bono projects: it is very hard to do because our partners change their priorities, and they find that they can handle the program on their own without our direct assistance, although we continue to send students to them for pro bono assignments. Examples of this include The Veterans Consortium, the Washington Legal Clinic for the Homeless, and Rising for Justice's Expungement Project, among others. In addition, several of our projects – The Bankruptcy Clinic, the Tax Assistance Project, 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 a new level, and we are eager to make it happen. We have made considerable strides in the past thirteen 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