



ALBANY LAW SCHOOL

**ALBANY LAW SCHOOL  
PRO BONO PROGRAM**

**STUDENT HANDBOOK  
2011-2012**

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# **ALBANY LAW SCHOOL PRO BONO PROGRAM**

## **INTRODUCTION**

The Albany Law School Pro Bono Program is a diverse and expanding program designed to help provide legal services to traditionally underserved populations locally and globally. In an era of decreasing resources and increasing community needs, the Program is playing a crucial role in creating innovative pro bono partnerships and in bridging the gap between legal needs and resources. Albany Law's Program will help you gain practical legal experience and use your skills and knowledge outside the classroom to serve real legal needs. The community partners approved by the program include, among others, public interest law organizations, government agencies, juvenile facilities, legal services offices, law firms, and non-profit organizations. This guide will familiarize you with the Pro Bono Program, including the eligibility requirements and sign-up procedure. It is important for you to understand the intricacies of and responsibilities related to providing pro bono legal service as a student; it is our hope that this guide will provide the basis of that understanding.

You can also find information about Albany Law School's Pro Bono Program in your Pro Bono Program Orientation folder, on the Albany Law School website, and in the 2011-2012 Albany Law School Pro Bono Program informational brochure.

## **TIME REQUIREMENTS**

Albany Law School does not require pro bono legal service to graduate; however, we encourage each student to participate in 45 hours of pro bono service in the community during his or her three years at the law school. Students will be recognized for completing the 45 hours at a pro bono ceremony at the end of their third year. Additionally, students who complete 75 hours or more will receive a special distinction at the pro bono ceremony and at the graduation ceremony at the end of their third year. Additional hours are encouraged and can be completed in one or more programs as well as over breaks during the academic year.

We ask each student to sign a Pro Bono Placement Preference & Commitment Form, indicating that s/he will commit to his/her placement(s), barring extraordinary and unforeseen circumstances, for the academic year.

## **PROGRAM REQUIREMENTS AND ELIGIBILITY**

Satisfactory performance of law-related pro bono work means that:

- The work is uncompensated;
- The work is provided through an eligible assignment; and

- The work is performed under the supervision of an attorney, faculty member, or other approved supervisor.

Eligible assignments include pro bono service provided to any of the currently approved Pro Bono programs. Unpaid judicial clerkships and unpaid work of a scholarly nature provided to professors are not eligible for pro bono credit.

#### Student-Initiated Placements

Students may request special consideration of self-designed projects. An application for a student designed project must be completed and the student must meet with the Pro Bono Student Director (hereinafter “Director”) to discuss the parameters of the proposed project. As a baseline, the proposed projects must comply with all other Pro Bono Program requirements as described above. Projects that may qualify for pro bono credit include, but are not limited to:

- **Pro bono work for attorneys in private practice:** That is, work done for no fee or at a substantially reduced fee on behalf of a person or group ordinarily unable to secure legal representation. Certain court appointments, particularly those for indigent defendants, fit into the guidelines. Pro bono work on behalf of non-profit community groups is eligible if it meets the above definition and is done by the supervisor in his or her role as counsel to the organization.
- **Work done for a faculty member** (other than work on scholarship) may qualify if it meets all other criteria.
- **Projects assisting *pro se* litigants.**
- **Work for some governmental agencies.**
- **Work provided to non-profit organizations**, regardless of political orientation, other than trade associations.

#### Eligible Hours

Students will be given credit hours for performing services in several categories:

- **Direct assistance to an attorney:** Assisting an attorney at trial or on an appeal; citizen legal education; client and witness interviewing; factual investigation in support of pending litigation or to support proposed litigation; legal research and writing, including drafting memos, motions, briefs, or other legal documents; legislative analysis and policy interpretation; preparing a case for trial; case development; lesson preparation time for law-related education assignments; and community organizing around specific legal issues and the attendant training on those issues. Ineligible tasks include clerical work unrelated to case or legislative support, event planning, and fundraising.
- **Hours in excess of for-credit or for-compensation programs:** Hours provided to Albany Law clinical students above and beyond course requirements, *i.e.*, hours provided during the semester or over the summer for no credit, may be counted for pro bono credit. You must

check with the respective clinical director to confirm course requirements before submitting clinical hours to the Pro Bono Director for approval.

- **Training hours:** Pro bono credit will be given to students for some but not all training hours. Generally, substantive training provided by the community partner directly related to the legal service to be provided counts toward pro bono credit, however the general trainings provided through Albany Law do not count. In addition, some programs have conditions that must be met before training time will count toward credit. Further information on whether and how to count hours for pro bono trainings will be provided at the specific training.
- **Student leadership of approved Pro Bono Programs:** Student leaders of approved Pro Bono Program placements may count their coordination hours for pro bono credit, *i.e.*, student leaders may count for credit time used to arrange intake sessions, to coordinate volunteers, to develop forms, paperwork, infrastructure, etc. for the community partner.
- **Travel time:** Travel time to and from a partner's site will not be counted for pro bono credit unless exceptional circumstances warrant approval by the Director. To the extent possible, all requests for travel time credit must be cleared by the Director prior to the date of travel.

### Training

Students are required to participate in a general training to help prepare them to work with traditionally underserved populations. These trainings include interviewing and intake, professional responsibility and ethics, and cultural competency. Students are also required to participate in any substantive training offered by the community partner related directly to the services that will be provided. Training schedules will be provided to students as soon as reasonably possible and to the fullest extent possible.

## PLACEMENT PROCEDURE

Students must follow the Placement Procedure as outlined below to ensure placement in the project that most fits their needs and interests. All students new to the Pro Bono Program shall complete the following steps.

1. Complete a Pro Bono Placement Preference & Commitment Form for each program into which the student wishes to participate.
2. Attend all mandatory trainings as described for the project or projects into which a student is placed. Training requirements are described in the Pro Bono Program Summary included in your Pro Bono Program Information Folder.

Students returning to the program need to complete the following steps:

1. Complete a Pro Bono Returning Student Placement Preference & Commitment Form.

## SEMESTER REQUIREMENTS

Once a student has been placed in a Pro Bono project, that student is expected to work with the project, as needed or assigned, for the academic year. Failure to carry through with a confirmed project is a serious breach of student responsibility and injures the program as a whole. ***If any compelling problems develop that prevent a student from following through with a project, the student should immediately contact the Director and the Student Leader for the project to discuss the issue.*** Unjustified withdrawal from a project may result in the student forfeiting all hours completed toward the Pro Bono Distinction.

Pro Bono Program participants are required to complete hour logs in a timely manner and, by the last day of academic classes each semester, the student is required to complete an Evaluation of the work performed during the semester. ***Failure to complete and return the hour log may result in forfeiture of any completed hours.*** Students may request a deadline extension for submitting the hour log or the Evaluation from the Director.

## PROFESSIONALISM AND ETHICS

Albany Law is committed to providing quality pro bono service to the community. As such, the Pro Bono Program expects students to perform all assignments in a professionally responsible manner and in accordance with the relevant rules of professional conduct. These rules require competence, diligence and promptness, and confidentiality. With respect, specifically, to the rules on competence and diligence, the Program asks students to pay particular attention to thoroughness, preparation, and the avoidance of procrastination, undue delay, over-emphasis on personal convenience, and prejudicial failure to carry a matter through to conclusion. Students should also bear in mind that the rule on confidentiality applies to the disclosure of information to anyone, even law school colleagues outside the purview of the specific project, faculty, or staff. Students will be provided greater instruction on ethics and professional responsibility during training in the fall semester.

If students ever have a question about the appropriate conduct in a particular situation, or if you have a question about your supervisor's conduct, please discuss it with your student leader or the Director. We are here to provide guidance and answer your questions. Remember, no question is a stupid one, and it may just save you from a lot of trouble.

We strongly encourage you to take a look at the entire Rules of Professional Conduct before you begin your placement. It can be found on the New York State Bar Association's website: [www.nysba.org](http://www.nysba.org). The following elaborates on certain aspects of professionalism and ethics that students should particularly take note of and adhere to in their Pro Bono placements.<sup>1</sup>

### Professionalism

Professionalism involves the way you behave and conduct yourself with others in the profession. This includes not only other lawyers, but also office staff, court staff, judges, and clients.

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<sup>1</sup> A special thanks to the Law Students in Action Project from which this section on Confidentiality, Conflicts, and Unauthorized Practice of Law is adopted.

Your placement is like an extended interview. While you may not be offered a position, you may continue to network with the people with whom you volunteered. They may be a great resource for job leads in the future. In addition, if you apply for admission to the New York State Bar, the Board of Law Examiners will contact your supervisor. This is true of many other state bars as well. Moreover, you may need a letter of recommendation from your supervisor or use him or her as a reference. You may even need them for a security clearance examination before you can begin particular government positions.

### Confidentiality

During your participation with the Pro Bono Program, please pay particular attention to issues concerning the preservation of client confidences. Pro Bono participants must protect client information and maintain confidentiality. Pursuant to the New York Rules of Professional Conduct Rule 1.6, a lawyer shall not knowingly reveal the confidences or secrets of a client. The contents of client files and communications with clients are privileged material. You should discuss cases only with your supervising attorney and other appropriate staff in your organization. You should not discuss cases with other students, employers, family, or friends.

Everyone likes to tell work stories, but for lawyers and law students alike, this can be a serious matter when you divulge personal information about a client's case. The Pro Bono Program considers student violations of confidentiality rules to be as serious as attorney violations. The Program reserves the right to report such violations to your school and to the New York State Board of Law Examiners.

Sometimes, it is not clear what kind of circumstance might reveal a confidence. For example, if you are in a case acceptance meeting in your office, there may be a loose exchange of client information. This can facilitate discussion of how to proceed with a case. If you have concerns about confidentiality in these circumstances, discuss them with your supervisor. You may not contact other agencies or offices without the express permission of the client. While the client may have signed an Authorization Form for a particular office, you still may not contact a third party without their consent (i.e. attempts to arrange counseling or other assistance).

### Conflict Checks

No client wants a lawyer to work on her case this week and on the opposing side next week. You know that lawyers can face conflicts of interest. Law student interns can, too.

*TRUE STORY: A law student in a law school clinical program was going to represent a mother in a termination of parental rights case. At the same time, the student also worked as a pro bono intern in a local public defender's office where the Law Guardian for the children was also employed. The student was told she had a conflict of interest and had to get the mother's permission to continue representation. The mother did sign a form recognizing the conflict of interest and the student was able to continue on the case.*

Conflicts of interest can affect client confidentiality and they can affect an attorney's independent judgment. That's why the Rules of Professional Conduct 1.7 and 1.8 require attorneys to avoid conflicts of interest. Once again, participants are subject to the same ethics rules as attorneys with respect to conflicts of interest. Conflict checks are a regular occurrence for practicing attorneys, so learning about the process now gives you another job skill for the future.

Prior to starting work with your pro bono project, you provided us with a resume, which included the names of organizations with which you have worked or volunteered in the past. We have forwarded that information to your supervising attorney. However, you are also responsible for informing future employers or volunteer positions of the work you did with the Pro Bono program.

The best way to avoid a conflict of interest problem is to keep track of your cases and to perform a conflict check as you start each new project. Most firms and legal service providers perform conflict checks through their case management database system. When you begin your placement, ask to have someone show you how to perform conflict checks, as each office's procedures will vary. Conflict checks will become a habit. Your clients will appreciate your care and professionalism, and you will have added yet another job skill to your resume.

Before you start a pro bono position, enroll in a law school clinic, or begin a paid position, you should complete a conflict check. Pay attention to the client base of the organization you'll be working for, make a list of the organizations you have worked for in the past, regardless of whether or not they were paid positions, and describe the kinds of clients you worked with (were they petitioners in family court, criminal defendants, tenants in housing court, etc?). Then ask your supervisor before you begin working whether any of your contact with past clients would constitute a conflict of interest.

#### Law Student Liability

Rule 5.5 of the New York Rules of Professional Conduct prohibits the unauthorized practice of law. As Summer Associates, your work activities will be governed by this section of the Rules. Always be aware of how clients may perceive you. Are you doing something that may lead them to believe you are their "attorney"? If so, step back and make clear to the client that you are a student, not an attorney. This may become your mantra this summer, but it is extremely important. Then seek the assistance of your supervisor.

- **Practice Orders.** Some of you will be working at with community partners that routinely apply for practice orders for their volunteers. Practice orders allow law students to appear in court on behalf of clients and negotiate on their behalf. Under Sections 478 and 484 of the New York State Judiciary Law, legal services providers may apply for a practice order to the Appellate Division, Third Department. Students who work under a practice order must have completed two semesters of law school and must indicate in an affidavit to the court that they will abide by the Rules of Professional Conduct.

Whether or not you have a practice order at your particular placement, make sure to always identify yourself as a law student. Make it clear that you are not a practicing attorney, especially to clients that you may talk to. Having a practice order does not mean you are "practicing law." A practice order allows you to gain courtroom experience and develop some litigation skills while still a law student. That is all.

In New York State, the term "Certified Student Attorney" is not used and is frowned upon by the courts. Too often, client confusion sets in when they hear the term "student attorney." If you have a practice order, please explain to any client you speak to that you are a student whom the court has authorized to appear in court on the client's behalf, but that

you are not an attorney. The supervising attorney is still in charge of all cases you work on and any legal advice should come from him or her.

While some students may have a practice order, others will not. Some projects do not have court-heavy caseloads, while some engage in numerous administrative hearings. If your project handles administrative hearings, you may have an opportunity to appear and represent clients before an Administrative Law Judge even without a practice order. For example, in SSI cases non-lawyer advocates may appear and represent the client. However, since you will not only be representing a client, but also the office in which you work, you should still be supervised closely by an attorney. And again, make sure that everyone involved in the hearing knows that you are a student. When appearing in agency hearings, make sure you have satisfied all rules and requirements pertaining to student representation. Different administrative agencies may have different rules regarding non-attorney representation.

- **Tips for Pro Bono Participants Working Under a Practice Order.** Practice orders are authorized on an individual basis, based on the organization and student. A law student's practice order is authorized only in connection with activities through a specific organization, office, or law school clinic; the practice order is not in effect for outside work or projects.

A pro bono participant may never proceed on any aspect of a case without the supervising attorney's approval. If you are working under a practice order, your supervisor should be directly involved in your work. He or she must be in court with you when you make any appearances.

Make sure that the client has given written consent for you to represent them in court and that the court has a copy.

Regardless of your practice order, legal documents and correspondence must be signed by the supervising attorney, although you can include your name as the preparer of the document. Check with your supervisor as to the proper form.

Do not do anything that may even give the impression that you are an attorney.

*Real-Life Example: In the Fourth Department, a student gave out business cards that gave the appearance he was an attorney. In addition, the student's outgoing message on his work phone used the term "student attorney" and created confusion over his position. When he applied for admission to the bar, he was required to appear before the entire Character and Fitness Committee to explain his actions during his internship. He had a grueling interview process because of this.*

When you appear in court or deal with opposing counsel, always identify yourself as a "legal intern" working under a practice order. Talk to your supervisor about the preferred office protocol for court introductions.

*Example: "Good morning, your honor. Jack Sprat, legal intern at Mother Goose Legal Assistance Center, appearing under a practice order, on behalf of the plaintiff."*

- **Tips for Pro Bono Participants Working Without a Practice Order.** When introducing yourself to clients, court staff, agency staff, etc., always identify yourself as a “legal intern.” Make clear to all those you come into contact with that you are a student and not a lawyer. Without a practice order, the duties that a legal intern may ethically and legally perform are considerably more limited.

You may only do work which is preparatory, such as legal research, fact investigation, and writing working drafts of legal documents and correspondence. All legal documents and correspondence must be signed by the supervising attorney, not the intern. Some offices do allow for co-signing of letters where both law student and supervising attorney sign the letter. You should check with your supervising attorney for your particular office’s procedure.

You may not act in a representative capacity in protecting, enforcing or defending the legal rights of another; advise or counsel a person in connection with his or her rights through in-person interviews, letters or telephone calls; or dispose of legal issues "by advice and negotiation."

You may interview clients and perform intake. However, again, make clear to the client that you cannot provide legal advice. When a client is insistent on asking for advice from you, politely offer to forward the client’s concerns and questions to the supervising attorney.

Students who exceed the scope of their legal intern duties may be liable for their actions. In addition, any violations by a student may be reported to the New York State Board of Law Examiners when the student subsequently applies for admission to the bar.

A student may be liable for negligence, illegal practice, and professional responsibility violations if, through contact or representations on which a client relies, he or she creates an attorney-client relationship. If a student gives a client advice under circumstances in which a reasonable person would rely on the advice, an attorney-client relationship may be created.

*Example: A student fails to identify him or herself as a student and pro bono participant and gives advice to a client. Even pro bono participants working under a practice order must clearly identify themselves and list the limitations on their abilities.*

- **Supervisor Liability.** The student is not insulated from liability simply because he or she has a supervising attorney. A supervising attorney has a duty to do the following: assume personal professional responsibility and supervision for the student’s work; sign all pleadings, legal documents, briefs, memoranda, and advice letters; assist the student as needed; and appear with the student in all trials.
- **Legal Information vs. Legal Advice.** The line between legal information and legal advice can sometimes be blurry. Even if you are working under a practice order, you must be careful not to create the impression that you are dispensing legal advice – only your supervisor can do that. When in doubt, always check with your supervisor. In fact, this

should be an area of discussion when you first begin your internship. In general, however, the following applies:

Legal information is just that: general information about what the law says or how the court works. If the person seeking assistance from you is asking “how to” questions, they are seeking legal information. You can answer these questions with information about how to fill out forms, general procedures, etc. Be careful when answering questions about forms, however. Make sure that you are not advising the client as to what words to write down, how they should answer the question based on their facts, or whether a particular answer would be more appropriate in a different section of the form. Those answers amount to legal advice.

Legal advice consists of advising a client to take a particular course of action based on the facts of his or her case. If the person is asking about what will happen in his or her particular case or what he or she should do, the client is seeking legal advice, and you cannot answer those questions. Make sure to reiterate that you are not a lawyer and therefore cannot provide legal advice. You can tell them generally what the law is, but not how it will play out in their case. You should also not be advising them on what they should do. Even if you have a practice order, do not tell any client whether or not they should accept a particular offer, plea deal, etc. Providing such advice puts you in an attorney-client relationship.

If you ever have any questions about the kind of information you can give to clients, talk to your supervisor or your student leader or refer to the below:

**Activities of eligible law students and law school graduates is authorized by sections 478 and 484 of the Judiciary Law. N.Y. Sup. Ct., App Div., 3rd Dept., Part 805 Admission of Attorneys.**

- (a) Any officer or agency of the state, or of a subdivision thereof, or any legal aid organization whose principal office is located in this department, may make application to the presiding justice of this court for an order authorizing the employment or utilization of law students who have completed at least two semesters of law school and eligible law school graduates as law interns to render and perform legal services, to the extent set forth in paragraph (b) hereof, which the officer, agency or organization making the application is authorized to perform. The application shall set forth the names and addresses of the persons to be appointed and facts showing their eligibility for appointment, together with applicant's certification that they are of good character and competent legal ability.
- (b) Authorized activities. Law students who have completed at least two semesters of law school and law school graduates appointed as law interns are authorized to engage in the following activities:
  - (1) In the Appellate Division, Third Department, to prepare briefs and memorandums of law and, upon prior approval of the court and when under immediate supervision of a supervising attorney, to argue appeals and motions in both civil and criminal actions and proceedings.

- (2) In criminal matters, in superior courts, under general supervision of a supervising attorney, to render legal services at arraignments, bail applications, pleas, sentencings, preliminary hearings and post-conviction proceedings, including appeals.
  - (3) In criminal matters, in inferior courts, under general supervision, to render legal services at arraignments, pleas, sentencings, preliminary hearings, post-conviction proceedings and at non-jury trials in cases involving misdemeanors and lesser offenses; and, when under immediate supervision of a supervising attorney, at jury trials in cases involving misdemeanors.
  - (4) In family court, under general supervision, to render legal services on motions and in uncontested proceedings, and in contested matters when under immediate supervision of a supervising attorney.
  - (5) In civil actions and proceedings in or before any court or administrative agency, under general supervision, to render legal services in motions and uncontested matters, and, under immediate supervision, in contested civil matters. Appearances before federal courts and state and federal administrative agencies shall be subject to the rules and regulations of the particular court or agency involved.
- (c) Requirements and limitations. A law intern may appear in the courts and administrative agencies specified in paragraph (b) above if the person on whose behalf the intern is appearing and the supervising attorney have indicated in writing their consent to the appearance. The consents referred to shall be filed with and brought to the attention of the presiding officer of the court or administrative agency. Pleadings, legal documents, briefs and memorandums shall be indorsed by the supervising attorney and may contain the name of the law intern who participated in their preparation.

The professionalism and ethical considerations apply when working with any client. However, students should be aware of different standards and considerations when working with clients with particular needs. Such clients include clients with disabilities, clients who are victims of domestic violence, and clients for whom English is a second language.

## **WORKING WITH CLIENTS POSSESSING PARTICULAR NEEDS**

*Clients with Disabilities.* If the client has a physical disability, make sure your meeting location is wheelchair accessible. If in doubt, respectfully ask the client to let you know how you can accommodate him or her. If the client is blind, ask the person if he or she prefers to receive information from you in Braille or another format.

The presence of mental health problems often poses unique challenges when working with clients. Depending on their particular condition, individuals with mental illness may be difficult to understand, poor at keeping appointments, or emotionally unpredictable. Afford the same respect to people with mental illness as you would to anyone else. Be flexible, but expect adults to take responsibility for their actions. Frequent missed appointments, lying, and dangerous behavior

cannot be accepted, just as such behavior would not be accepted of an individual without mental illness. If there is a continuing problem with the client, notify your supervisor.

### *Clients Experiencing Domestic Violence*

When working with clients who are experiencing or recently experienced domestic violence (“DV”), your first concern should be their safety. If possible, obtain a safe address or phone number for the client and inquire if it is safe for the client to talk when you call. Never call or send mail to a client you suspect may be in an abusive relationship before checking with the client to make sure it is safe to do so.

When you call a client that you suspect is experiencing domestic violence, never leave a detailed message on an answering machine or with another person. Simply give your name and phone number, but do not include the name of the office you are calling from or leave an explanation for why you are calling. Depending on the situation, you may not want to leave any message. If someone else answers the phone and your client is not available, you may want to say that you will call back at another time.

It can be heartbreaking dealing with a client who is experiencing domestic violence. Often, the abused person wants and seeks help. Sometimes, however, they may not be ready to leave their abuser. It is not your job to convince them to leave. Leaving may put the person in greater danger than staying. The client may not have the resources to leave his or her abuser and may not be emotionally prepared for it either. What you can do is make sure they have a safety plan, provide them with the phone number for the local domestic violence hotline, and let them know that you understand their situation.

When interviewing a client with domestic violence issues, try to make sure that children are not present during the conversation. Children are usually witnesses to the violence (and are often subject to the violence as well); however, they should not be included in the conversation. When scheduling an in-person interview, you should ask the client to try to make arrangements for someone to watch the children. This is not always possible, so try to be conscious of the tone of the interview if children are present.

### *Clients with Limited English Proficiency*

If your client has limited English proficiency but did not bring an interpreter to the appointment, speak slowly (but not more loudly) so that they can understand you better. If it is obvious that communication is not happening, ask the client to reschedule his or her appointment for a time when they can bring an interpreter. Please be aware of any conflicts of interest that this interpreter may have with the client and, if necessary, contact an outside interpreter for assistance. For example, a suspected abuser should not be interpreting for the suspected victim in any legal matter. Likewise, children should not be interpreting for their parents. Please consult your supervisor for your office’s Limited English Proficiency Policy. In addition, many offices may already have an established relationship with either a local interpretation service or one of the many services available via the telephone.

### Working with Interpreters<sup>2</sup>

Practice and a little knowledge can assist in working effectively with an interpreter. When using the services of an interpreter, try to set up a triangle arrangement so you, the client, and the interpreter can all see each other. At the beginning of the session, clearly articulate expectations so that everyone clearly understands the role of the interpreter. Consider the following:

- “We are going to communicate through an interpreter.”
- “The interpreter will interpret everything you say into English and everything I say into [client’s preferred language].”
- “The interpreter cannot participate in the conversation. The interpreter’s only job is to interpret what each of us says.”
- “If you do not understand something, ask me, not the interpreter. Please talk to me, not the interpreter.”
- “If you have a long question or a long answer, please pause frequently so that the interpreter can interpret everything accurately.”
- “Please speak loudly and pronounce your words clearly so the interpreter can hear you easily.”
- “It may take longer to say everything through an interpreter, but please do not rush.”
- “Please say everything you need to say.”
- “If you have any difficulty hearing the interpreter or understanding me during the conversation, please tell me.”
- “Are you able to hear and understand the interpreter?”

You should also ask the interpreter if s/he is ready to proceed and ensure that each person can hear and understand the others. Prior to starting the session, ask the interpreter whether s/he would like to take a break every 15 minutes. Interpreting requires intense concentration and not taking breaks can result in mistakes.

- Ask the interpreter whether he or she would like a break every 15 minutes. Interpreting requires intense concentration and not giving breaks can result in mistakes.

## CONCLUSION

Albany’s Pro Bono Program gives students a unique opportunity to gain invaluable legal experience, enhance their marketability, and fulfill their professional obligation to do service. Albany, New York’s capital, provides fertile ground for our new program to foster in ways that are mutually beneficial for our students and the legal community. Engaging in pro bono services will not only compliment your legal education, it will also allow you to give back to those most in need locally and globally.

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<sup>2</sup> Adopted from “Working with Interpreters at Legal Advice Clinics” by the Volunteer Lawyers Network in Minnesota.

## ALBANY LAW SCHOOL PRO BONO PROGRAM

### General Etiquette for Interacting and Communicating with People with Disabilities

Interacting with people with disabilities require a sensitivity toward their individual needs. The following is a list of general etiquette tips:

- **Make every effort to use “people first” language.** For instance it is appropriate to say “people with disabilities” rather than “disabled people.”
- **When talking to a person with a disability, look at and speak directly to that person** rather than through a companion who may be along or an interpreter if present.
- **Do not be embarrassed if you happen to use accepted common expressions** such as, “See you later” or “Got to be running along,” that seem to relate to the person’s disability.
- **It is okay to offer someone assistance but do so in a dignified manner with sensitivity and respect.** Be prepared to have the offer declined, and do not proceed to assist if your offer has been declined. If the offer is accepted, then listen to or ask for instructions.
- **Always speak in a normal tone of voice,** and only raise your voice when requested.
- **Treat adults as adults.** Use first names only when extending that same familiarity to all others present.
- **When first introduced to a person with a disability, it is appropriate to offer to shake hands.** Persons with limited hand use or an artificial limb can usually shake hands, and offering the left hand is acceptable. For those who cannot shake hands, touch the person on the shoulder or arm to welcome and acknowledge their presence.
- **If you are unsure how something might affect a person, ask him or her for advice.**

### Etiquette for Interacting with People with Mobility Impairments

- **Do not lean or hang on someone’s wheelchair.** The chair is part of the space that belongs to the person who uses it.
- **When talking with a person in a wheelchair for more than a few minutes, utilize a chair** whenever possible, in order to place yourself at the person’s eye level to facilitate conversation.
- **Enable people who use crutches, canes or wheelchairs to keep them within reach.**
- **Be aware that some people who use a wheelchair may choose to transfer themselves out of their wheelchair,** into an office chair, for the duration of the meeting.

### Etiquette for Interacting with People with Visual Impairments

- **Never distract a person's guide dog or work animal** from its job without the owner's permission.
- **When communicating with a person with a visual impairment, always verbally identify yourself and others who may be with you.** When conversing in a group, give a vocal cue by announcing the name of the person to whom you are speaking. Speak in a normal tone of voice. Let the person know if you or anyone else is moving from one place to another or leaving the room, and let him or her know when the conversation is at an end.
- **If the person with a visual impairment does not extend their hand to shake hands, verbally extend a welcome.**
- **When offering seating to a person with a visual impairment, place the person's hand on the back or arm of the seat.** A verbal cue is also helpful.
- **To facilitate conversation, be prepared to offer audible cues to a person with a visual impairment when appropriate,** especially when more than one person is speaking.

### Etiquette for Interacting with People with Hearing Impairments

- **When communicating with a person with a hearing impairment, be sure you have his/her attention by touching him/her lightly on the shoulder or waving your hand.**
- **Look directly at the person and speak clearly and at a comfortable pace to establish if the person can read lips** (not all people with hearing impairments can lip-read). Those who can read lips will rely on facial expressions, other body language and gestures to help in understanding, so speak expressively but do not exaggerate your lip movement or shout. Show your consideration by placing yourself facing the light source and keeping your hands, away your mouth when speaking. Brief, concise written notes may be helpful.
- **When scheduling an interpreter for a non-English speaking person, be certain to retain an interpreter that speaks and interprets in the language of the non-English-speaking person.** In the United States, for example, most people who are deaf use American Sign Language (ASL). ASL is not, however, a universal language. It is a language with its own syntax and grammatical structure.
- **Interpreters facilitate communication only.** They should not be consulted about matters concerning the person for whom they are interpreting.
- **Do not shout at a person with a hearing impairment.** Shouting distorts sounds accepted through hearing aids and inhibits lip reading.
- **In order to facilitate conversation, be prepared to offer visual cues** to a person with a hearing impairment when appropriate, especially when more than one person is speaking.

### Etiquette for Interacting with People with Speech Impairments

- **Listen attentively when you are talking to a person who has a speech impairment.** Do not interrupt or attempt to speak for a person with speech difficulties.
- **If you are having difficulty understanding what the person is saying, listen for keywords or phrases or ask questions that require short answers or a nod or shake of the head.** Never pretend to understand if you are having difficulty doing so. Instead, ask the person to repeat what you do not understand and allow the person to respond.
- **Do not raise your voice when speaking to a person with a speech impairment.** Most people with a speech impairment can hear and understand clearly.

### Providing Access to Services

- **Make sure that your building and your office is accessible by checking the following:** (1) Are there parking spaces reserved for people with disabilities? (2) Is there a ramp or step-free entrance? (3) Are there accessible bathrooms? (4) If your office is not on the first floor, does the building have an elevator? (5) are there any water fountains and telephones at the proper height for a person in a wheelchair to use?
- **People with disabilities utilize a variety of transportation services when traveling to and from appointments.** When scheduling a meeting, be aware that the person may be required to make a reservation 24 hours in advance, plus travel time. Provide the client with an estimated time to schedule their return trip when arranging appointments or meetings.
- **Provide reasonable accommodations so that clients with disabilities may access information and services available through your program,** including alternative formats for written materials (e.g., large print, Braille, cassettes, etc.).

Deadline for submission:

\_\_\_\_\_, \_\_\_\_\_@  
4 p.m. to Room \_\_\_\_

Appendix B

## ALBANY LAW SCHOOL PRO BONO PROGRAM

### PROPOSAL FOR NEW PRO BONO PROJECT

NAME: \_\_\_\_\_ CLASS YEAR: \_\_\_\_\_

EMAIL: \_\_\_\_\_

1. Describe the unmet legal need that the proposed project meets.
2. Describe the legal work and time commitment.
3. Please provide detailed information on the expected number of student participants and the time and location of the legal work.
4. Describe the supervisory arrangements and training(s) that will take place to prepare students for the proposed project, including contact information for your proposed supervisor.
5. Describe any classes or special skills that are required for the proposed project.
6. Please provide detailed information on the expected costs of the proposed project.
7. If applying for an alternative spring or winter break project, please provide detailed information on proposed funding sources to help supplement the costs of travel for the project.

*Please turn in this completed form to the Pro Bono Student Director*

*\*\*Should you need more space than that which is provided, please attach additional sheets.\*\**

Deadline for submission:

\_\_\_\_\_, \_\_\_\_\_@  
4 p.m. to Room \_\_\_\_

## ALBANY LAW SCHOOL PRO BONO PROGRAM

### PLACEMENT PREFERENCE & COMMITMENT FORM

Albany Law School strives to educate and train the best lawyers in the country through its curriculum and programs. To ensure that its students have adequate opportunities to increase their knowledge and legal skills, the Pro Bono Program was established.

The ethical standards of the American legal profession provide that lawyers should aspire to provide significant pro bono legal services. Members of the legal profession advance the common good through rigorous representation of clients and dedication to the ethical standards that require such service to be provided. All Albany Law students are encouraged to participate in the Pro Bono Program. Participants will be recognized at an Annual Recognition Ceremony.

Students who volunteer for a Pro Bono project must complete the project, and is responsible for ensuring that the scheduled project does not conflict with course requirements. Students may not end a pro bono project prior to the completion of the project or the date agreed to with the community partner without prior authorization from the Pro Bono Student Director and/or the community partner.

As a member of the Pro Bono Program, you also acknowledge a commitment to the Pro-Donor Program which, with your support and participation, will provide long-term funding for the Pro Bono Program. For additional information, please refer to the Pro-Donor information on the Albany Law website, or visit <http://www.pro-donor.org>.

**Please indicate the project in which you want to participate with a "1". If you would like to participate in more than one project, rank them numerically with "1" being the project in which you are *most* interested. For project descriptions, refer to the Pro Bono Program Information folder or the 2011-2012 Pro Bono brochure, available on the ALS website.**

While each program has its own training and hour requirements, all participants are encouraged to complete at least fifteen (15) hours academic year. The approximate hour requirements for each project are provided in parenthesis.

- |  |   |
|--|---|
| <input type="checkbox"/> Albany Family Court Help Desk (min. 2hr/wk)                               | <input type="checkbox"/> Animal Law (15 hr/semester)                          |
| <input type="checkbox"/> Attorney for the Day (3 hrs on 1 <sup>st</sup> or 3 <sup>rd</sup> Friday) | <input type="checkbox"/> Civil Rights & Indigent Defense (15 hrs/semester)    |
| <input type="checkbox"/> Criminal Appeals (15 hrs/semester)  | <input type="checkbox"/> Economic Justice (15 hr/semester)                    |
| <input type="checkbox"/> Education (15 hr/semester)  | <input type="checkbox"/> International Human Rts/Immigrants (15 hr/semester)  |
| <input type="checkbox"/> LawHelp (15 hr/semester)  | <input type="checkbox"/> NYSBA Leaders (15 hr/semester)                       |
| <input type="checkbox"/> Pro Se Divorce (1 Sat/semester)   | <input type="checkbox"/> Prisoners' Legal Services & Reentry (15 hr/semester) |
| <input type="checkbox"/> Rural Legal Services (15 hr/semester)                                     | <input type="checkbox"/> Short Term/One-Day Project (varies)                  |
| <input type="checkbox"/> Tax (4 hr/wk during tax season)   | <input type="checkbox"/> Veterans' Affairs (1 Saturday/semester)              |

Do you have a car?  Yes  NoAre you willing to drive a carpool?  Yes  No

Please list any prior law-related placements \_\_\_\_\_

\_\_\_\_\_

***I wish to be registered as a member of the Pro Bono Program. I agree to comply with the requirements of the program by utilizing my legal skills in pro bono legal projects, for which I will not receive compensation or academic credit. I also agree to participate in the Pro-Donor Program, by seeking out at least five (5) donors.***

NAME: \_\_\_\_\_

CLASS YEAR: \_\_\_\_\_

EMAIL: \_\_\_\_\_

# ALBANY LAW SCHOOL PRO BONO PROGRAM

## HOURS LOG

Student Name \_\_\_\_\_ Project Name \_\_\_\_\_

Students are responsible for the accurate reporting of hours worked. Failure to accurately report hours may result in the student not receiving credit for hours and restricted involvement in future pro bono activities or projects.

For each day pro bono hours were completed, please indicate the start and stop times, as well as a brief description of the work completed (training, research, etc.). If additional space is needed, please attach another sheet. **All hour logs** should be submitted *electronically* to Kendra Jenkins, Student Director ([kjenkins@albanylaw.edu](mailto:kjenkins@albanylaw.edu)).

SUNDAY __/__/2011	MONDAY __/__/2011	TUESDAY __/__/2011	WEDNESDAY __/__/2011	THURSDAY __/__/2011	FRIDAY __/__/2011	SATURDAY __/__/2011
SUNDAY __/__/2011	MONDAY __/__/2011	TUESDAY __/__/2011	WEDNESDAY __/__/2011	THURSDAY __/__/2011	FRIDAY __/__/2011	SATURDAY __/__/2011
SUNDAY __/__/2011	MONDAY __/__/2011	TUESDAY __/__/2011	WEDNESDAY __/__/2011	THURSDAY __/__/2011	FRIDAY __/__/2011	SATURDAY __/__/2011
SUNDAY __/__/2011	MONDAY __/__/2011	TUESDAY __/__/2011	WEDNESDAY __/__/2011	THURSDAY __/__/2011	FRIDAY __/__/2011	SATURDAY __/__/2011
SUNDAY __/__/2011	MONDAY __/__/2011	TUESDAY __/__/2011	WEDNESDAY __/__/2011	THURSDAY __/__/2011	FRIDAY __/__/2011	SATURDAY __/__/2011

TOTAL HOURS: \_\_\_\_\_

## ALBANY LAW SCHOOL PRO BONO PROGRAM

### STUDENT EVALUATION OF PRO BONO PROJECT

This form must be completed for all pro bono work and must be submitted no later than the last day of classes of the semester or summer in which the work was completed. Graduating students shall submit their evaluations for work completed in their final semester no later than the end of the semester. *Submit your completed form to the Pro Bono Student Director.*

NAME: \_\_\_\_\_ CLASS YEAR: \_\_\_\_\_

EMAIL: \_\_\_\_\_

Please list the number of hours worked in each project; if you have already filled out a form for the fall, you need to complete information for the spring only. You may include up to 4 hours of substantive training for the entire year, so long as all other program requirements have been met as described in the student handbook.

Albany County Family Court Help Desk	Fall _____	Spring _____
Animal Law	Fall _____	Spring _____
Civil Rights & Indigent Criminal Defense	Fall _____	Spring _____
Criminal Appeals	Fall _____	Spring _____
Economic Justice	Fall _____	Spring _____
Education Project	Fall _____	Spring _____
Immigration	Fall _____	Spring _____
International Human Rights	Fall _____	Spring _____
Know Your Rights	Fall _____	Spring _____
NYSBA Leadership Program	Fall _____	Spring _____
Prisoners Legal Services/Prisoner's Reentry	Fall _____	Spring _____
Pro Bono Housing	Fall _____	Spring _____
Pro Se Divorce Project	Fall _____	Spring _____
Rural Legal Services	Fall _____	Spring _____
Tax Law	Fall _____	Spring _____
Other(s) _____		

IF YOU CHECKED THE "OTHER(S)" BOX, please provide the requested information for each project in which you participated.

- a) Brief description of the work performed (e.g., area of law, whether it involved research/writing, case preparation, client contact, etc.)
- b) Number of hours worked
- c) Dates work was performed (e.g., May 2010-August 2011)
- d) Name, address, and contact information of the supervising attorney:

1. I received monetary compensation, academic credit or writing credit for the work.

YES  NO

If received, please identify the compensation or credit received (including the amount and source):

2. The training I received was:

INADEQUATE  ADEQUATE  EXCELLENT

Please explain:

3. The supervision I received was:

INADEQUATE  ADEQUATE  EXCELLENT

Please explain:

4. The tasks I was assigned were those that a law student generally is legally and ethically permitted and competent to provide:

YES  NO

If not, please explain:

5. I was provided with manuals, model forms or other documentation that assisted me in the competent and responsible performance of the tasks assigned to me:

YES

NO

Please explain:

6. As a result of the pro bono work I did (check all that apply):

I have a better understanding of my ethical obligation to perform pro bono work after graduation.

I am more likely to do pro bono work when I am a lawyer.

I remain committed to doing pro bono work when I am a lawyer.

I am less likely to do pro bono work when I am a lawyer.

I learned substantive law.

I improved my legal skills (e.g., research, writing, interviewing, negotiating).

I learned practical aspects of legal practice.

I was able to explore alternative career paths.

I learned about policies on difficult issues and the realities that shape the legal system's and society's response to those issues.

I provided legal services to an underserved population or issue.

Other \_\_\_\_\_

ADDITIONAL COMMENTS ABOUT YOUR EXPERIENCE (e.g., quality of assignments, supervision, training, interaction with lawyers and clients, fulfillment of expectations created by supervisors, etc.):

I certify that the above is true to the best of my knowledge and belief.

NAME: \_\_\_\_\_  
(please print)

DATE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_