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Article Summary:

Much extant research suggests that students who enter law school highly enthusiastic about public interest law and pro bono work often take mainstream jobs with minimal participation in pro bono activities. Frequently, these studies place some of the blame on law schools. This study, however, suggests that law schools, as well as mentors in first post-graduation jobs, might *positively* affect attorneys' level of commitment to pro bono work. This longitudinal study is unique in that it includes measures of students' attitudes during law school and in mid-career. It raises the possibility that attorneys whose level of commitment to pro bono work did not decrease since law school were substantially influenced by their law school training and early career mentors. Although some students will leave law school with less dedication to public interest law and pro bono work, this study offers hope that, through legal education and mentorship, other students will maintain their strong commitment to helping poor clients.

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Introduction

The summer before beginning law school, the students who were to become the University of Wisconsin Law School's Class of 1976 were surveyed regarding their level of enthusiasm in public interest law careers. They were surveyed again at the end of their second year and a third time in 1985, nine years after graduation. Although about half the law students indicated interest in public interest jobs (such as environmental protection or legal aid) when they completed the first survey before starting law school, by the time of the third survey, only 13% had taken jobs in public interest areas (Erlanger et al., 1996: 30).

This paper explores qualitative responses by a sub-sample of those Class of 1976 attorneys twenty years after their graduation. Rather than focusing on their views regarding public interest law, which very few practice now, this study looks at another way of serving underprivileged clients. Instead of focusing on public interest law, this study asks attorneys about their commitment to pro bono work, the providing of services free or at reduced costs to those who could not otherwise afford legal counsel.

By comparing their responses to the first and third surveys, this study initially separated the attorneys into three groups: those whose expressed commitment to pro bono work as a professional obligation decreased from the first to the third survey, those whose commitment stayed the same, and those whose commitment to pro bono work increased from the first to the third survey. The second two groups – those whose commitment stayed the same and those whose commitment increased – had very similar responses. Their views of their law school education and their early career experiences, such as mentoring, were strikingly similar. These lawyers also described similar attitudes regarding their present-day

pro bono commitment. Therefore, for these reasons, and because the focus of this research, like most other research on pro bono commitment, is on the decline of pro bono versus the lack of decline (whether increased or stayed the same), these two groups of respondents have been combined for the discussion of the data.

The influences that this combined group identified as affecting their pro bono commitment differed from those whose commitment to pro bono work declined since law school. Although every lawyer self-reported that they, as current practicing lawyers, had substantial commitment to pro bono work, the lawyers whose commitment did not decrease (as measured by the earlier survey) cited different influences as they entered the legal profession. The lawyers whose pro bono commitment decreased often attributed their attitudes toward pro bono to their own personal ethics, and, occasionally, to their parents' values. However, those whose commitment increased or stayed the same discussed their pro bono ethic as emanating from the training they received in law school and in their first jobs after graduation, as well as citing personal and family values.

Apart from these key differences regarding pro bono commitment, all the attorneys in this study are very similar. The majority of them are from the Midwest. All of them are white. They come from middle class backgrounds. Importantly, they also chose to attend the University of Wisconsin for law school in the mid-1970s.

Law Students and Their Commitment to Public Service

For centuries, entering the legal profession was viewed as gaining a level of social and economic success (Sullivan, 2001: 895) as well as evidencing the socio-economic class from which one's family came (Van de Werfhost, Sullivan, and Cheung, 2003: 43). However, how

law schools have educated their students to become future lawyers has changed and shifted over time (Brandney, 1998: 73). Scholars have critiqued the pedagogy of law schools for being both too liberal (Culp, 1992: 1998) and too conservative (Collier, 1991: 429; Thornton, 1989: 116). In particular, how legal education imparts a sense of duty to new lawyers to undertake less remunerative legal work has been a source of on-going scholarship (see Rhode, 2003, 107; Arthur, 2005, 241)

The obligation to engage in pro bono work is a long-standing aspect of the legal profession's code of ethics (Erlanger, 1977: 14). The professional obligation to represent the underprivileged for minimal costs has been traced as far back in the Anglo-American legal system as a 1495 English civil law statute and practices in medieval ecclesiastical courts (Rhode, 2003). It is a recurring source of tension in legal circles, as various debates have raged regarding how to encourage more pro bono work, whether pro bono work should be mandated and supervised by the state bars, and to what degree the profession, as a whole, is responsible for the pro bono work of its members (Seron, 1996: 105).

Some argue that "access to legal services is a fundamental interest," with "access to the law [being] particularly critical for the poor" (Rhode, 2003: 430-1). Some scholars even assert that public confidence in the legal system hinges on access to the legal system. Given this, these scholars strongly emphasize the need for pro bono work in order for the legal system to be part of a working democracy (Seron, 1996: 108). In addition, many underline the duty of lawyers to provide pro bono services by emphasizing that attorneys enjoy an elite position that approaches a monopoly. This sense of duty is often a greater motivator for attorneys than their actual economic ability or amount of available time (Rhode, 2003: 430).

The availability of professional legal representation is critical since litigants who represent themselves consistently fare less well than those with legal counsel (Rhode, 2003: 432). Attorneys provide information to their clients, frame their clients' positions within a legal framework, and shape their clients' perception and understanding of their experiences with the court (Barclay, 1999: 42). Because access to legal services is important, and the position of lawyers is quite privileged, some conclude that the legal profession has an obligation to ensure that everyone has access to the legal system (Rhode, 2003: 459).

Although the American Bar Association decided against amending Rule 6.1 of its Model Rules of Professional Conduct ("Voluntary Pro Bono Publico Service") to actually make pro bono work mandatory, it did amend its accreditation standards to provide that all law schools encourage their students, and, less emphatically, their faculty, to participate in pro bono work. Additionally, several state-level jurisdictions include some form of mandatory ethical rules, although only Florida, Maryland, and New Jersey actually enforce them (Rhode, 2003).

However, all attorneys do not agree on issues of professionalism and professional conduct standards (Van Hoy, 1997: 27). Pro bono work is one aspect of the profession that generates the most heated disagreement. While most lawyers agree, at least in principle, that pro bono work is an important aspect of this service-oriented profession, some lawyers assert that they cannot engage in pro bono work because they lack the time and the economic ability (Rhode, 2003: 438). Additionally, some attorneys prefer other ways of giving back to their communities. Indeed, many lawyers believe that simply performing their jobs well for their individual clients, with honesty and diligence, is sufficient execution of their professional

duty (Seron, 1996: 109). (For thorough discussion of the debate on bar-mandated pro bono requirements, see Rhode, 2003; Seron, 1996.)

This disinclination to public service, however, might begin before law students officially join the profession. Many studies have documented that the eagerness that entering law students often express for public interest and pro bono work often decreases once they reach graduation (Erlanger et al., 1996; Erlanger and Klegon, 1978; Granfield, 1992; Seron, 1996; Stover, 1989; Rhode, 2003; Schleef, 1997). New law students often enter law school with high levels of enthusiasm for public interest areas (e.g., environmental protection or legal aid), but lose their commitment to such areas as they progress through law school. Upon graduation, only a small proportion of law school graduates take jobs in the area of public interest law. Although some of these law students began law school asserting that a job that encourages, or at least allows, pro bono work was important in their ultimate job selection, such factors were minimal considerations in their actual job decisions upon graduation (Erlanger and Klegon, 1978).

Other research on attorneys has demonstrated a waning commitment to pro bono work among practicing attorneys as well. For example, Seron's research illustrates how "[e]ven though attorneys work in a 'protected' occupational niche where a regulatory apparatus between the profession and the state determines who may practice law and represent a client in a court of law, they return to a free-market, voluntary image in discussion of their service obligations to the community or to the public" (Seron, 1996: 135). Extant research shows that pro bono commitment often hinges on the norms of one's social networks, many of which devalue pro bono work (Heinz, Laumann, Nelson, and Sandefur 2005; Rhode, 2003; Granfield, 1992; Stover, 1989; Erlanger et al., 1996). In practice, most attorneys donate no

time or money to pro bono representation. In fact, the average number of pro bono hours for the American bar overall is less than half an hour per week (Rhode, 2003: 415).

To address this disinclination toward pro bono work, law schools often work to encourage a professional ethic in law students that appreciates pro bono work. For example, law schools mandate professional responsibilities courses which often discuss the attorney's duty to civil society and the importance of pro bono work. However, law students hear not only the words within the classroom, but also the external pressures of the job market, their student debt, and the stress of billable hour minimums (Seron, 1996: 136).

Thus, new attorneys' employers might exert a significant impact on how their new hires view their professional responsibilities. Indeed, some researchers assert that the social reproduction of the profession rests as heavily with hiring firms as it does with law schools (Nelson et al., 1992; Heinz, 2005). While, in the first half of the twentieth century, most new lawyers left law school to set up their own practices, today, most graduates accept associate positions with medium or larger firms (Abel, 1989: 28). Law students are very aware of the possible job opportunities and often tailor their curricula to what they perceive is most desired by potential employers (Abel, 1989: 34; Granfield, 1992: 14). In this way, law firms can affect new attorneys' socialization and professionalization before as well as after graduation.

Once hired, new attorneys work under senior attorneys (Seron, 1996: 134). Any pro bono work a new attorney may want to perform usually must be approved by the law firm's partners. While some firms might see pro bono as laudable, they might also be concerned about the impact unpaid work has on the firm's total revenue (Heinz, 2005: 125).

Additionally, firms that do allow or even promote pro bono might only allow certain partners to engage in time-consuming pro bono work (Nelson et al., 1992: 61). Alternatively, other

firms might allow new associates to work on pro bono cases, but only on top of their other billable caseload (Abel, 1989: 89).

Some research suggests that the commitment to pro bono work will not diminish only when law students and new (and seasoned) attorneys are part of a subculture of support. Having a group of teachers and/or mentors who confirm the importance of pro bono might be critical in attorneys' continued commitment to pro bono work. This pro bono-encouraging subculture is necessary to counter less-encouraging messages from the legal profession. Without this support, many new attorneys might lose their commitment to pro bono work, despite earlier zeal to help the less fortunate (Granfield, 1992; Erlanger, 1977; Stover, 1989).

Sampling and Methods

This study examines the responses of the Class of 1976 law students—now lawyers—in terms of their attitudes about pro bono work. This paper draws on three waves of quantitative surveys and a set of qualitative interviews. The study includes information on what perspectives these attorneys held *before* they started law school, gathered at that point in their law school careers, rather than asking practicing lawyers to reflect back. Additionally, unlike earlier phases of this project, this study combines the quantitative survey responses with qualitative interviews, exploring attitudes about pro bono work through the participants' own words. Therefore, while this phase of the research project involves only a small number of participants (n=26), the longitudinal nature of these data make for a particularly rich study.

The participants in all stages of this study were drawn from the University of Wisconsin (UW) Law School, graduating class of 1976. The UW Law School is one of only

two law schools in the state and the only public law school in Wisconsin. Admission was and continues to be highly competitive.

The participants in this study were mostly under the age of 25 when they entered law school and this longitudinal study began. As students, they were generally from middle class backgrounds and over half were from urban or suburban areas.¹ The interviewees were no more likely than their non-interviewed classmates to have participated in legal aid or legal services clinic programs.

The original research project began over three decades ago by administering a questionnaire to the entering Class of 1976 before they began law school in Summer, 1973 (“Wave One”). These students received a second questionnaire in the Spring semester of their second year, 1975 (“Wave Two”). (For content of items and description of coding, see Erlanger and Klegon, 1978). The participants responded to a third and final questionnaire in 1985, almost a decade after they had graduated law school (“Wave Three”) (see Erlanger et al., 1996).

Interviewees for the qualitative stage of this project were volunteers who, many years earlier, had participated in the previous surveys of the project. In 1996, twenty years after they graduated from law school, all participants of the previous surveys were sent letters asking if they would participate in semi-structured interviews, as a continuing component of the study. The letter also asked them to allow me access to their past responses from the three previous questionnaires. Most of the respondents who agreed to participate were interviewed; however, scheduling difficulties prevented some willing participants from being included in this study.

¹ For a discussion of the demographic characteristics of the participants in the quantitative portion of this study, please see Erlanger, H. S. and Klegon, D. A. (1978) *Law & Society Review*, 13, 11-35.

The sample of interviewees included attorneys from many different areas of the law, such as small, medium, and large practices; private practice, the judiciary, government, and non-profit work; and criminal law, civil law, and administration. Given the great diversity of the interviewees, it is unlikely that the non-responders and those who declined to be interviewed are significantly different from those included in this study. Additionally, when comparing the earlier survey responses of the interviewees with the aggregate data, their responses are not highly unusual nor do they indicate that the interviewees were substantially different from others in their cohort at the time of the law school and post-law school surveys. Moreover, it is unlikely that participants or non-participants based their participation decision on their willingness to discuss their attitudes about pro bono since the letter sent to all previous survey participants described the interviews only as “an in-depth telephone interview focusing on your career preferences and choices,” and did not mention a particular interest in pro bono commitment or attitudes about public interest or pro bono work.

Nevertheless, it is possible that use of volunteers, rather than random selection of participants, could have resulted in a skewed sample in important ways. Those who chose to respond and were willing to be interviewed and to have their past questionnaire responses re-examined may be different from those who did not respond or were unwilling to fully participate. Those who were included in the interviews may be more civic-minded, have more flexible practices and schedules, act more responsively to requests for help from their alma mater, or possess some other traits that could correspond to and affect their attitudes on pro bono work.

Most interviews were conducted by phone, although a few early interviews were conducted in person. The semi-structured interviews averaged one hour. A set of

predetermined questions served as initial probes; these included open-ended questions about their attitudes and reflections on the legal profession; current practice; past professional experiences; reflections on their legal education; past and current pro bono activities; and attitudes regarding, and commitment to, pro bono work. In addition, follow-up questions were based on each interviewee's response. I encouraged the informants to tell me "anything they thought applied."

After the interviews were transcribed, I matched each interviewee with her/his responses from the three previous surveys, using the past records and code books. The permission statements by the interviewees were kept on file for the duration of the project. The past responses were copied onto the end of the interview document, so that all four waves (interview plus three surveys) could easily be coded together and compared.

The interviews were coded for various themes using the qualitative data management software NVivo. Some of these themes were responses to explicit questions (e.g., "What kinds of pro bono work did you do last year?"). However, many others were extracted from the responses of interviewees to broader questions (e.g., "How would you describe your work?" "How would you characterize your law school experience?") or to follow-up questions to other responses. Thus, many codes were not the result of a direct question or set of questions intended to measure pro bono attitudes, but were produced by careful analysis of interviewees' responses to various questions.

By comparing the respondents' Wave Three with Wave One survey responses regarding their commitment to pro bono, I divided the participants into three groups based on how their pro bono work commitment changed over time. Pro bono commitment was measured using their past questionnaire responses regarding whether they believed that "pro

bono is a professional obligation.” The questionnaire offered respondents Likert-scale response options (“strongly disagree, disagree, neither agree nor disagree, agree, strongly agree”). In comparing Wave One with Wave Three responses, I contrasted how the participants responded in the summer before they began law school with what they reported nine years after graduation. Through these comparisons, I divided the attorneys into three groups: (1) those who indicated more commitment to pro bono work at Wave Three than at Wave One (“increased commitment”), (2) those who indicated the same amount of pro bono commitment (“same commitment”), and (3) those who indicated less commitment to pro bono work at Wave Three than at Wave One (“decreased commitment”).

Based on these divisions, I analyzed their Wave Four qualitative responses. I compared and contrasted the various themes that ran through their discussions of pro bono, legal education, and the profession. For this study, I focus specifically on the interviewees’ discussion of influences on their pro bono ethics.

The responses of “same commitment” and the “increased commitment” groups were strikingly similar. Additionally, much previous research contrasts a decline in pro bono commitment with the lack of a decline – i.e., the same or an increased level of commitment – rather than differentiating between a lack of decline in which the level of commitment simply stayed steady as opposed to a lack of decline that had an increase in commitment. For these reasons, and because I, too, am most interested in when commitment flags versus, simply, when it does not, for this analysis, I collapsed the “same commitment” and “increased commitment” qualitative responses into a single group.

The interviews allowed each interviewee to define the concept of pro bono him- or herself and then explain that definition to the interviewers. This study is interested in

lawyers' attitudes – about pro bono work, the legal profession, and law school – rather than simply assessing the number of pro bono hours worked. Therefore, permitting the respondents to use their own definitions facilitated discussion of pro bono better than asking them to evaluate themselves based on the interviewer's definition.

Results: The Origins of Pro Bono Ethics

Attorneys whose commitment to pro bono work had decreased were more likely to talk about their pro bono ethic reflecting only their personal and, occasionally, family values.² In contrast, those attorneys who felt as strongly or more strongly about the importance of pro bono work than they did in their first year of law school, included more influences. This second group cited the training they received in law school and in their experiences in their first jobs out of law school as being important in creating their pro bono ethic, as well as their personal ethics and those of their families of origin.³

The numbers of attorneys whose pro bono commitment decreased and whose commitment did not decrease were roughly similar (see Table One). Pro bono commitment decreased for eleven of the attorneys interviewed. It stayed the same for ten attorneys. Five attorneys had greater commitment to pro bono work once they were practicing for ten years, as compared to their survey responses before beginning law school.

² No gender differences were identified from these attorneys' qualitative responses. For example, female attorneys did not mention an "ethic of care" more than the male attorneys in this final stage of this study.

³ It is true that the students all attended the same law school for the same years and so they would have had similar exposure to the same overall law school milieu. However, while in law school they may have had different professors for the courses they all had in common, creating different exposures to different pedagogy and different professional and ethical philosophies. Additionally, as students they may have chosen different upper-level classes and electives; this is quite likely since most students do not follow the identical plan of study as each of their peers, but pick and choose among course offerings. Moreover, their post-graduation early career mentoring would also not be the same, student to student. Upon graduation, students would begin employment with different firms and organizations and so quite likely would not have had identical experiences after graduation either.

Table One

commitment level	# of attorneys
decreased commitment	11
same and increased commitment	15

Despite their earlier questionnaire responses that indicated that some attorneys' level of pro bono commitment had decreased, no one interviewed evaluated themselves poorly with regard to their own pro bono commitment. All interviewees felt positive about their pro bono work because they embraced definitions of pro bono that were broad enough that whatever they, themselves, did counted as pro bono. For example, some attorneys defined pro bono work exclusively as legal work that was specifically intended to be discounted or free from the beginning of the work for that client. In contrast, other attorneys defined pro bono work as legal work for which a paying client could no longer pay or who declared bankruptcy and so this case became designated as pro bono work and simply written off. Still other attorneys even included coaching Little League and serving on boards within their definitions of pro bono work. These differences in definitions make comparison in each attorney's reported number of pro bono hours difficult; one attorney's pro bono work might count as several dozen hours under one definition, but as no pro bono hours under another definition. For this reason, this study does not compare the reported hours of pro bono work between the different groups.

Perhaps because of these broad definitions of pro bono work, no attorney was particularly concerned about or ashamed of their pro bono commitment. Even those whose past questionnaire responses indicated a decreased level of commitment after leaving law school and those who currently donate little work that most others would label pro bono, still felt that they maintained respectable levels of pro bono commitment.

Decreased Pro Bono Commitment

The responses that the attorneys had given to questions regarding their pro bono commitment in Wave One (before entering law school) and Wave Three (nine years after law school) were compared. During this time period, the pro bono commitment of one group of attorneys decreased, as assessed by comparing their earlier quantitative responses. When interviewed in mid-career about their pro bono attitudes, these attorneys cited their own personal ethics or the values they learned from their family of origin as the sources of their pro bono ethics. For example, one attorney from a small, general practice firm in a Midwestern town succinctly stated that his pro bono commitment began with his early family values.

I imagine that [the ethic of caring for others] was put into my head from earliest days. I think that's probably it. It comes from your upbringing and values you're taught by your parents and so forth. I would guess that's the primary source of that energy.

Similarly, a commercial litigation attorney, who worked in a medium-size urban firm, explained how his commitment to pro bono came from his family's experiences when he was young and the impact of those experiences on him.

I came from a family that's very poor, and we had nobody who could afford to hire a lawyer even though we had legal problems when I was kid; and part of the motivation to move on to law school was that I saw these confused, dazed looks in my parents' eyes when they were confronted with this or that that had anything to do with any legal ramifications. They could never afford to go to a

lawyer, but they always found somebody who was willing to help them through something for some kind of consideration, whatever it could be.

Another attorney whose practice now centers on commercial construction and liability issues, explained that his pro bono commitment was part of his personal code for living an ethical life.

Whether you're a doctor or a lawyer or whatever, if you have special talents, special skills, you should be aware that there are going to be people out there who might need your help but who can't always afford to pay what you might usually charge. I believe that every individual has a duty to help their fellow man and, for lawyers, that means sharing their special skills with people who might not be able to fully afford them.

His felt that pro bono commitment was part of his broader duty to help others in need.

When lawyers in this group did consider the effect of their formal legal education, they stated that law school had no impact on their professional ethics, such as in the following statement from a solo-practice immigration attorney.

I didn't learn [my pro bono ethic] in law school. I mean, it's there, but that's a personal commitment. By the time I got to law school, I was 22 years old. At that point you either have a sense of your commitment to the world larger than yourself or you don't. That was something that was personally there for a long time.

These attorneys saw themselves as having, at least in their own eyes, a commitment to pro bono work, even though their commitment had declined since they had begun law school.

They asserted that their pro bono ethic had been in place before they began their legal education and was established (or not) once they began practicing.

Increased and Same Pro Bono Commitment

The responses of other groups of attorneys demonstrated an increase in their commitment to pro bono work or the same level of commitment as measured by the comparison between Waves One and Three of the longitudinal survey. Their comments included the influences that the decreased-commitment group reported, but also included other influences on their commitment to pro bono work. Like their decreased-commitment counterparts, these attorneys mentioned personal morals and their families' ethics when interviewed mid-career about their pro bono commitment. Strikingly, however, 14 out of 15 members of this group of attorneys additionally cited either their law school experiences or the mentoring they received in their first jobs or both as important in building their commitment to pro bono work. The influences of law school and early mentoring was not mentioned by any of those respondents whose pro bono commitment decreased.

The descriptions of pro bono ethics as stemming from personal morals sound similar to those voiced by the decreased-commitment attorneys. For example, one attorney who specializes in real estate said that he always believed that one should give back to the community.

It's something that I always thought was part of what a lawyer should do, that a lawyer should be involved in trying to give something back to the community for which he or she doesn't expect direct compensation either in terms of new

clients or paying work or anything. It's simply part of, in my view, part of what goes with being a professional.

The increased- and same-commitment attorneys also credited the values they learned from their family of origin, as did the decreased-commitment attorneys. For example, one attorney who was in practice with her lawyer-husband responded that their commitment to doing pro bono work stemmed directly from the morals taught them by their families.

It's mostly from [young on:] a religious belief and the example of our parents. My dad was a factory worker and my mother was a waitress. They spent all kinds of spare time doing things. My father was always involved in stuff— [like] St. Vincent de Paul [a Catholic charity organization]. They do a lot of work directly with the poor. [My parents] always devoted time to things like that.

As with their decreased-commitment counterparts, these attorneys sometimes focused on the influence of their families or their own personal ethics.

However, these attorneys *also* attributed their pro bono ethic to their legal training – both in law school and during their first post-graduation positions. For example, one attorney compared the pro bono ethic he was taught in law school to the greater university's overall commitment to reaching out across the state to improve the quality of life for all Wisconsin citizens, the much celebrated "Wisconsin Idea."

We were taught that part of a being a lawyer, which is a privileged position, is giving something back to the people who made it possible. It was sort of part of that whole "Wisconsin Idea" idea, about giving back to the people of the state. [University of] Wisconsin was the only public law school in the state [of

Wisconsin] and it was an affordable option. Other state's public law school charged a lot more. So we were able to become lawyers because the state gave us a top-rated, yet very affordable, law school to go to. That was given to us; now we should give something back, too.

Similarly, an attorney who was currently working in a large city emphasized the importance of his law school experience.

I did come away with the feeling that Wisconsin was very committed toward, say, a social agenda, if you will. It's not all business, corporate finance-oriented business school where everybody's going to go to Wall Street. It is very much a different sense of self, I think, about the law school. So I got [my pro bono commitment] there and in my seminars and things...I think the law school did encourage that kind of looking at the issues, new ideas, looking at the social aspects of law and society that carried over.

Like other lawyers in this group, this attorney discussed both the overall milieu of the law school as well as actual discussions about the public interest and the responsibility of lawyers in his various classes.

Another attorney, though working in a bank's legal department at the time of the interview, had begun her legal career in a small firm in a small Midwestern town. The attitudes and actions of her coworkers at that small firm, as well as her legal training, greatly affected the development of her professional ethics, including her commitment to pro bono work.

I think the idea just comes across pretty clearly in law school that we have a responsibility, just as doctors do, to help people, with or without getting paid

for it. [There's also] the example of the senior partner at the firm I was involved with, and some of the other older attorneys in the county, that I knew for a fact weren't always getting paid. [laughs] And they talked about it, not openly in the sense of 'Look how good I am!' but, I think, it is sort of instructional to the newer attorneys to have people discuss that so-and-so had a problem with a will or whatever and he helped them out and they wanted to pay you back and he knew they didn't have the funds [but] they had their pride and felt they'd paid for it. Or – I don't know what term to use, [perhaps] barter? – but [these partners would] never charge some folks but they'd get zucchini every summer. Or whatever: mushrooms came in a lot, too. One of my favorite partners, he didn't get paid much in money, but he got a lot of produce by the end of every summer.

Similarly, another attorney who now works in the public sector described how he learned that pro bono work was as expected and as inherent a part of his job as taking his paper work to the paralegals. His quotation also illustrates this link between the experiences early in the attorneys' careers and their subsequent commitment to pro bono work.

Sometimes there would be someone who needed us, but couldn't [pay]. Every once in a while we'd have a client who would come to us and it would be clear that he could only ever pay a part of what his case would require. It was understood that we'd take these cases on and it was understood that all members of the firm – new people, the old partners, all of us – would take on these cases once in a while. I know that's not how all firms work. Like, I know that in some firms, the attorneys don't even take [the part of the case

paperwork that paralegals handle] to the paralegals, but have their secretaries walk across the floor with it. Like they're too busy or too important, so they have their secretaries handle it. But that kind of attitude would never fly with [his first firm]. You walked [the paralegal] work over yourself and you pitched in with pro bono, too.

As the above quotations illustrate, those attorneys who did not experience a decline in their commitment to pro bono work often mentioned the character-building impact of their early career mentors and the pro-bono-encouraging law school years. Thus, although these attorneys whose pro bono commitment increased or remained the same cited their own ethics and those of their families, they also credited the training they received in law school and the mentoring in their first positions. This raises the possibility that law school environment and curriculum as well as early career mentoring can prevent the deterioration of students' post-graduation commitment to pro bono work – and might even increase this commitment.

Discussion and Conclusions

This study is exploratory and does not purport to offer definitive answers to the questions it raises. Rather, it provides some preliminary investigations to begin answering these important questions. In doing so, it offers new directions for future researchers and larger-scale studies.

While earlier stages in this project confirm the trend identified by others, that lawyers lose some of the commitment to pro bono and public interest work they had when they entered law school, this study also offers a new insight. These results offer a more optimistic picture of the law school experience on the formation of attorneys' commitment to pro bono

work. This study finds that those attorneys whose commitment did not decline – i.e., those whose pro bono commitment increased or maintained the same level after graduation – indicated that their legal training deserved partial credit for this commitment.

Specifically, law school and early career mentoring may have shaped how these lawyers perceived pro bono work. The influence of law school ranged from the more subtle (e.g., “the feeling that Wisconsin was very committed toward...a social agenda”) to more direct efforts by instructors to make their students examine “the social aspects of law and society.”

Additionally, mentors at attorneys’ first jobs offered role models that emphasized the importance of pro bono work. This was the other unique factor mentioned only by those whose pro bono commitment did not decline. This sent the message that pro bono was morally and professionally worth doing and communicated that the firms would support such efforts.

None of the attorneys whose pro bono commitment declined since graduation mentioned either of these factors as positive influences on the development of their pro-bono ethic. Significantly, both the law school and the early career mentoring influences taught that pro bono efforts were worthwhile activities. This may be particularly critical since other research has shown that the sense of satisfaction and obligation are greater motivators of pro bono work than economic ability or time flexibility (Rhode, 2003).

In addition, these messages from mentors and the law school provided these new lawyers with access to a social network that supported public work. Earlier research documented that social networks are key to developing values and encouraging pro bono work (Rhode, 2003; Granfield, 1992; Stover, 1989; Erlanger et al., 1996). Indeed, “[p]eople

pick up cues about appropriate behavior from moral reference groups” such as schools and workplaces (Rhode, 2003: 420), such as the attorney in this study whose senior partners accepted zucchini or mushrooms as payment.

Subcultural support for pro bono and public interest work appears to be a key variable in law students’ attitudes. In his study of law students, Stover found that law professors, lawyers in the community, and even other law students provided “valuable role models and...a sense of membership in a broader public interest community” for those students who wished to follow public interest careers (Stover, 1989: 106). Granfield summarized this phenomenon succinctly: “Without a community of opposition, co-optation becomes increasingly more probable” and pro bono commitment is likely to wane (Granfield, 1992: 71).

For example, Erlanger found that attorneys who had previously worked for Legal Services were more likely to represent lower, lower-middle, and middle class clients and to have a substantial percentage of minority clients. Additionally, with regard to their commitment to pro bono work, these former Legal Services lawyers were more likely to do pro bono work than similar lawyers who had never worked for Legal Services, and were more likely to engage in pro bono work with a reform orientation, rather than individual adjudication (Erlanger, 1977: 235).

Yet these networks of support do not always exist. Within the law school environment, “direct expression of support for the professional obligation to serve the disadvantaged were, with few exceptions, limited to ritualistic invocations at ceremonial occasions” (Stover, 1989: 105). Without a network of others, students had difficulty maintaining their commitment to public interest work (Granfield, 1992: 74; Stover, 1989: 111; Erlanger et al., 1996: 861). For example, in this study, those attorneys whose pro bono

commitment decreased did not cite a network of lawyers within their practices or from law school who reinforced a sense of professional obligation regarding pro bono work.

But when such support *does* exist, this study suggests that it might have an important effect on attorneys' attitudes towards their professional obligations. In addition to one's own individual code of ethics and the moral training one received from one's family of origin, the legal profession, too, might impact lawyers' attitudes and persuade them to embrace pro bono work. As this study suggests, this influence can be subtle, direct, or by example. Yet these data imply that the profession might be able to improve attorneys' commitment to pro bono work without resorting to more coercive measures, such as mandating a certain number of pro bono hours annually or other formal regulations that state bars often consider.

It should be clarified, that the fact that all the respondents in this study were members of the same cohort at the same law school does not mean that they all had identical law school or early career experiences. Membership in the same law school cohort only means that they would have had similar exposure to the same overall law school atmosphere. However, while in law school, they may have had different professors for the courses they all had in common. This means that, while they all might have taken the same required courses, they would have had different exposures to different pedagogy and various professional and ethical philosophies.⁴ Additionally, they most likely chose different upper-level classes and electives, creating even more different law school experiences. Moreover, their post-graduation early career mentoring would also not be the same, student to student. Upon graduation, students would begin employment with different firms and organizations. Most likely, this would mean that they did not have identical early mentoring experiences.

⁴ A self-selection effect is also possible in that law students who were already inclined to maintain or increase their pro bono commitment after graduation might have opted for certain professors or specific courses.

This study raises the possibility that those lawyers who did have law school and early career experiences that encouraged pro bono are more likely to maintain or even increase that commitment after leaving law school.

Alternatively, perhaps some of the lawyers in this study did have the same classes with the same professors or the same post-graduation experiences, but were affected differently. Unfortunately, determining which situation actually occurred is beyond the scope of this study. Nevertheless, this offers an interesting area for future research.

It is also possible that lawyers' family responsibilities, the social or political milieu in which they work, or other specifics of their employment setting might have a substantial effect on their pro bono commitment. Lawyers who are struggling to meet both professional and family demands might be less able to engage in pro bono work. Additionally, lawyers who work in firms that explicitly or implicitly discourage pro bono hours might also be less able to provide pro bono services to poorer clients. These possibilities, also, are not addressed by the data in this study. However, this also offers an area for exciting new research.

While this research offers a unique insight into the influences on attorneys' pro bono views, it is limited by the non-randomness of the sample as well as the sample size. Although early questionnaires (1973, 1975, 1985) were given to everyone in the Class of 1976, this study sought a subsample of previous participants who were willing to be interviewed – rather than simply respond to a survey – and who gave permission for the researcher to match them with their past questionnaire responses. These volunteers may be different from others in their cohort in important ways. For example, they may be more interested in helping others, more reflective on influences in their lives, or less likely to have actively rejected commitment to any type of pro bono work.

The size of this study's sample was also limited. This sample was sufficient to begin this discussion; however, it is an exploratory study, not intended to provide definitive answers. Future work might build on this study by including a larger, more diverse sample. Additionally, the lawyers included in all stages of this study were, in some ways, already from a more activist and progressive sample: they attended law school in the politically-charged 1970's and chose to attend the University of Wisconsin, a university that many consider to be a school with a strong progressive tradition.

This may partially explain why these lawyers regarded their pro bono commitment and the influences on it quite differently from the attorneys in other studies. Specifically, research of more recent cohorts at other law schools has found that law schools give mere lip service to professional ethical obligations and provide little support for law students' public interest and pro bono commitments. For example, Schlee's comparison of law students and business students at a "prestigious private university in the Midwest" (Schlee, 1997) in the 1990's found that both law and business students described their training in ethics as being marginal and focused on pragmatic issues, rather than on helping them understand how to respond to ethical dilemmas they may face in their practices. These students reported a minimal commitment to pro bono and public interest work, in contrast to those in this study.

Future work might examine the alumni of less liberal law schools, especially cohorts who attended during the more conservative 1980's. These law students of Ronald Reagan's "me generation" would have wrestled with issues of public interest dedication and the importance of pro bono work in a substantially different political milieu. This contrast could add greatly to the discussion of the effect of the law school campus's political ambiance on law students' education and the support of public interest and pro bono work.

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