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### Educating Young People about Law in a Disadvantaged City: Rutgers University School of Law and the City of Camden, New Jersey

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**Educating Young People about Law in a Disadvantaged City: Rutgers University  
School of Law and the City of Camden, New Jersey**

# EDUCATING YOUNG PEOPLE ABOUT LAW IN A DISADVANTAGED CITY: RUTGERS UNIVERSITY SCHOOL OF LAW AND THE CITY OF CAMDEN, NEW JERSEY

JILL FRIEDMAN, CONRAD HABER & EVE BISKIND KLOTHEN<sup>†</sup>

## ABSTRACT

In Camden, New Jersey, one of the nation's poorest and most violent cities, Rutgers University School of Law has established numerous community legal education outreach projects for the public. Primarily focused on young people in classrooms, detention centers, and youth development programs, these include the Street Law Pro Bono Project and the Marshall–Brennan Constitutional Literacy Project. First, this Essay describes the strategic establishment and development of various projects; synergies among projects; and positive impacts for law students and youth in the community, for the law school itself, and for the legal profession and society. Reflections on elements of successful programming are also provided. Second, it recounts the experience of a law student who participated in many of the law school's community legal education projects and the personal and professional impact of his experiences. Finally, the Essay argues that all law schools, and particularly public law schools, should be required to provide public education in the law as part of a comprehensive program of pro bono opportunities serving unmet legal needs in the community. Perpetuating a system of engaged democracy requires educating the public about rights and responsibilities under the law. Law students are uniquely situated to provide this critical knowledge, and public universities have a special obligation to prepare state residents for engagement in civic and political life.

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### INTRODUCTION

Situated in Camden, New Jersey, one of the poorest and most dangerous cities in the nation,<sup>1</sup> where only 35% to 45% of young people finish high school,<sup>2</sup> Rutgers University School of Law–Camden (Rutgers–Camden) has established a range of constitutional literacy and related programs for the public. Focusing on high schools and other youth-serving settings, the Rutgers programs not only provide an exceptional learning and service opportunity for participating law students but also demonstrate the true meaning of civic and community engagement for all involved. For all universities, it is critical to connect with their host communities as active and contributing institutions. For public universities, it is part of the social compact between the academy and the community. For a public university in a ravaged city, it is a moral and practical imperative.

Law school service opportunities must respond to actual community needs. Too often in Camden, the adults and institutions responsible for protecting and nurturing children fail them. Camden's young people experience all the strains of urban poverty, including parental incarceration, drug and alcohol dependency, domestic violence, and inadequate access to social and health services.<sup>3</sup> Many of Camden's youth are involved in the delinquency or dependency court systems or live in transitional, restrictive, or secure placements.<sup>4</sup> Many who have had bad experiences at school, and with police in their neighborhoods and in courthouses, feel

1. Kate Zernike, *To Fight Crime, Camden Will Trade in Its Police*, N.Y. TIMES, Sept. 29, 2012, at A1.

2. Melanie Burney, *Dropout Rates Grow in Camden High Schools*, PHILA. INQUIRER, Mar. 7, 2002, at A1.

3. Chris Hedges, *City of Ruins*, THE NATION, Nov. 4, 2002, at 15, 17.

4. See CAMDEN CITY YOUTH SERVS. COMM'N, COMMUNITY ASSESSMENT REPORT 27 (2002). "Current data reveals that in 1998, there were 1,447 admissions to secure confinement . . . . In 2000, there were 1,434 admissions to secure confinement . . . . [The] data also indicates that the largest number of youth incarcerated in the State of [New Jersey] is from Camden City." *Id.*

disaffected and disenfranchised.<sup>5</sup> In Camden, “[c]orruption is rampant, with three mayors sent to prison in a little more than two decades. Five police officers [recently were] charged with planting evidence, making false arrests and trading drugs for information from prostitutes.”<sup>6</sup>

By teaching constitutional literacy and providing various other law-related educational programs, Rutgers fills a vital community need. The law school has assumed responsibility for helping children understand their rights and responsibilities under the law, and for providing them some of the skills and inclinations for engaged citizenship. By employing a diverse group of law students to teach about the law, Rutgers provides important role models and fundamental information about the way society should govern itself.

Through multiple public legal education outreach programs, including the Constitution Day Outreach Project (Constitution Day), the Street Law Pro Bono Project (Street Law) and its offshoots, the Marshall–Brennan Constitutional Literacy Project (Marshall–Brennan), the moot court program, the Summer Law Institute, and the Law School Admission Council DiscoverLaw.org Prelaw Undergraduate Scholars Program, Rutgers University School of Law–Camden has created a robust legal education outreach model that serves children, youth, and young adults in a range of settings: schools, detention centers, transitional residences, youth development and therapeutic settings, and colleges and universities.<sup>7</sup> These projects have activated a group of law students who consider themselves lifelong advocates for children and educational equity, and the synergies among projects have allowed the law school to interact with the surrounding community in new ways. Although it is too soon to assess results, it is believed that these various projects will also contribute to a diversity pipeline into the legal profession by nurturing a cohort of young people who are comfortable in the law school setting and motivated by their personal successes to pursue pre-law coursework and possibly law school and legal careers.

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5. See Press Release, ACLU, Camden Agrees to Pay \$3.5M to Victims of Police Corruption (Jan. 10, 2013), available at <http://www.aclu.org/criminal-law-reform/camden-agrees-pay-35m-victims-police-corruption>; John Rudolf, *Anxiety High as Crime-Ridden Camden Scraps Police Force at Gov. Chris Christie's Urging*, HUFFINGTON POST (Aug. 30, 2012), [http://www.huffingtonpost.com/2012/08/30/camden-eliminates-police-department\\_n\\_1844840.html](http://www.huffingtonpost.com/2012/08/30/camden-eliminates-police-department_n_1844840.html). Also, Dean Friedman has heard from high school students who live in Camden anecdotal reports of bad experiences at school and with police.

6. Hedges, *supra* note 3, at 15.

7. See *Clinic Courses*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/clinic-courses> (last visited Mar. 14, 2013); *LSAC DiscoverLaw.org PLUS Program*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/plusprogram> (last visited Mar. 14, 2013); *Pro Bono Projects*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/pro-bono-projects> (last visited Mar. 14, 2013); *Seminar: Marshall–Brennan Constitutional Literacy Fellowship Program*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/cgi-bin/course-description.cgi?class=784> (last visited Mar. 14, 2013).

In Part I of this Essay, the authors will describe how various projects have been successfully implemented at Rutgers University School of Law–Camden, how synergies have developed among them, and how they have affected the culture of the law school. Part II will assess how these educational programs have influenced some of the law students who have participated in them. Part III will make the argument that public law schools should be required to sponsor efforts to teach the public about rights and responsibilities under the law.

## I. STRATEGIC ESTABLISHMENT AND DEVELOPMENT OF COMMUNITY LEGAL EDUCATION PROJECTS

### *A. Background and History*

Camden, New Jersey, just one mile from Philadelphia, Pennsylvania, via the Benjamin Franklin Bridge, is a city struggling to breathe. In September 2012, two Camden children had their throats slit, allegedly by a neighbor who had smoked PCP-laced marijuana (known as “wet”).<sup>8</sup> Two weeks earlier, according to police, a Camden mother who also had smoked wet beheaded her two-year-old son Zahree.<sup>9</sup> Whereas a new mayor,<sup>10</sup> a new medical school,<sup>11</sup> and a vibrant and growing research university<sup>12</sup> signify that many are fighting for Camden’s future, the city, characterized by disproportionate numbers of youth in poverty,<sup>13</sup> is plagued by gangs and violence, drugs, and mostly failing schools.<sup>14</sup>

As one of the three law schools in New Jersey, Rutgers–Camden serves a population partially comprised of working students who are the first generation in their families to attend professional school, and sometimes the first to have attended college.<sup>15</sup> The law school requires “service” from certain scholarship recipients,<sup>16</sup> and rewards, but does not

8. Jackie Gailey & David Chang, *Accused Throat-Slasher High on “Wet” During Attack: Cops*, NBC10 PHILA. (Sept. 4, 2012), <http://www.nbcphiladelphia.com/news/local/Suspect-Smoked-168375306.html>.

9. George Mast, *Camden Woman who Beheaded Son Had ‘Wet’ in System, Tests Confirm*, COURIER-POST ONLINE (Dec. 3, 2012), <http://www.courierpostonline.com/article/20121204/CRIME/312040019/Camden-woman-who-beheaded-son-had-wet-system-tests-confirm?odyssey=tab|topnews|text|News>.

10. Nick DiUlio, *The Anointed One: Can Camden Mayor Dana Redd Break Her City’s Sad Cycle of Poverty, Drugs and Violence?*, NJMONTHLY.COM (June 11, 2012), <http://njmonthly.com/articles/lifestyle/the-anointed-one.html>.

11. *About*, COOPER MED. SCH. ROWAN U., <http://www.rowan.edu/coopermed/about/> (last visited Mar. 14, 2013).

12. *About*, RUTGERS ST. U. N.J.–CAMDEN, <http://www.camden.rutgers.edu/> (last visited Mar. 14, 2013).

13. Claudia Vargas, *New Census Statistics Paint Grim Picture of Camden*, PHILLY.COM (Sept. 22, 2012, 7:34 AM), [http://www.philly.com/philly/blogs/camden\\_flow/170812236.html](http://www.philly.com/philly/blogs/camden_flow/170812236.html).

14. See Martha T. Moore, *Police Layoffs Hit N.J. City Especially Hard*, USA TODAY, Feb. 15, 2011, at 3A.

15. This anecdotal impression of Dean Friedman is based on conversations with students.

16. Dean’s Scholarship recipients must complete a forty-hour service obligation. See *Federal Scholarship Service Requirement*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/federal-scholarship-service-requirement> (last visited Mar. 6, 2013).

require, pro bono legal service by students.<sup>17</sup> Rutgers's first community educational pro bono projects were the Financial Literacy Project,<sup>18</sup> an outgrowth of its long-established Bankruptcy Pro Bono Project,<sup>19</sup> and the Domestic Violence Pro Bono Project.<sup>20</sup> In 2002, after conversations between Professor Jamin Raskin<sup>21</sup> and Rutgers University School of Law Dean Rayman L. Solomon,<sup>22</sup> the law school launched the nation's second chapter of Marshall–Brennan.<sup>23</sup> The law students in this project participated in a yearlong seminar course about the Bill of Rights and education policy. In the spring of that year, the students taught constitutional law

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17. In an average year, 25% of the class is recognized at graduation for completing at least fifty hours of service. In 2012, sixteen students were recognized with the Dean's Pro Bono Publico Award for Exceptional Service for 100 hours of service. RUTGERS UNIV. SCH. OF LAW–CAMDEN, CLASS DAY CELEBRATION CEREMONY 4 (2012) (on file with authors). Between 2002 and 2012, the law school's Pro Bono and Public Interest Program grew from four small projects to over fifteen in-house and external opportunities, including its nationally recognized Pro Bono Research Project, which provides free legal research to legal services organizations, to private practitioners performing pro bono work, and to government legal departments. *See, e.g., id.* at 4–5; RUTGERS UNIV. SCH. OF LAW–CAMDEN, CLASS DAY CELEBRATION CEREMONY 3–4 (2011) (on file with authors). During that time, the law school instituted a loan repayment assistance program and placed eight students in fellowships through Equal Justice Works, the Skadden Fellowship Program, and the Independence Foundation Public Interest Law Fellowship Program.

18. The Financial Literacy Pro Bono Project is designed to educate Camden-area youth about credit, credit cards and budgeting, and computer security and identity protection. *Financial Literacy (FLiP) Pro Bono Project*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/financial-literacy-flip-pro-bono-project> (last visited Mar. 7, 2013).

19. The Bankruptcy Pro Bono Project was established in 1993 by New Jersey Bankruptcy Judge Judith Wizmur, career clerk Bob Cooper, Esq., and an energetic bankruptcy bar. Cases are screened through South Jersey Legal Services, the local Legal Services affiliate, and are assigned to teams consisting of bankruptcy attorneys and trained law students, who together file Chapter 7 petitions. *Pro Bono Bankruptcy Project*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/pro-bono-bankruptcy-project> (last visited Mar. 7, 2013).

20. *See Pro Bono Projects, supra* note 7. Students distribute information about domestic violence at the local courthouse.

21. Jamin Raskin is a professor of Constitutional Law, the First Amendment, and Legislative Process and is the founding director of the Program on Law and Government at American University's Washington College of Law. *Faculty: Jamin Raskin*, AM. U. WASH. C.L., <http://www.wcl.american.edu/faculty/raskin/> (last visited Mar. 7, 2013).

22. Rayman L. Solomon is the dean of Rutgers University School of Law–Camden and has a Ph.D. in American Legal History from the University of Chicago. *Faculty: Rayman Solomon*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/directory/raysol/> (last visited Mar. 7, 2013).

23. As noted on the American University Washington College of Law's website, [i]n the fall of 1999, Professor Jamin Raskin of American University Washington College of Law launched the Marshall–Brennan Constitutional Literacy Project named in honor of the late United States Supreme Court Justices Thurgood Marshall and William J. Brennan, Jr. Th[e] project . . . was designed to mobilize talented second- and third-year law students, as well as LLM students, to teach courses on constitutional law and juvenile justice in public high schools in the District of Columbia and Maryland.

*The Marshall–Brennan Constitutional Literacy Project*, AM. U. WASH. C.L., <http://www.wcl.american.edu/marshallbrennan/> (last visited Mar. 7, 2013). Under the leadership of national expansion director Professor Maryam Ahranjani, the project, based at American University Washington College of Law, has since expanded to include chapters at eighteen law schools throughout the United States; at all the chapters, law students study the Bill of Rights and are trained to teach constitutional law in public high schools serving disadvantaged youth in their home communities. *Id.*; *see also* Marshall–Brennan Constitutional Literacy Project, *Teaching Partners*, AM. U. WASH. C.L., <http://www.wcl.american.edu/marshallbrennan/partners.cfm> (last visited Mar. 7, 2013).

intensively<sup>24</sup> as guest teachers in the high schools; this model, unique among Marshall–Brennan chapters, continues today.<sup>25</sup>

Also in 2002, the law school hired Eve Biskind Klothen to run its Pro Bono and Public Interest Program.<sup>26</sup> Under Dean Klothen, the program grew substantially, and came to include a small, student-run Street Law project.<sup>27</sup> In 2007, the New Jersey State Bar Foundation, the State Bar Association's charitable arm, approached the law school to propose funding a more substantial community legal education program at the law school.<sup>28</sup> With foundation funding for most of the director's position in place, the law school committed to funding the rest and hired this Essay's co-author Jill Friedman to run the project and to teach various courses, allowing for expansion and professionalization of the program.

After arriving in Camden in 2008, Dean Friedman set out immediately to meet community leaders, principals and teachers, program staff at various youth development and therapeutic programs, educational personnel at detention centers, and others. The goals were to develop a network of community partners for Street Law;<sup>29</sup> to inform them about the project; to explore how civics education might help their constituents; and to assess sites for safety, appropriateness, and suitability for law student pro bono work.

24. Students typically taught constitutional law for 180 minutes, or four forty-five-minute class periods per week. See *Marshall–Brennan Constitutional Literacy Fellowship Program*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/cgi-bin/course-description.cgi?class=784> (last visited Mar. 14, 2013).

25. Professor Elizabeth Hillman taught the substantive seminar on the Bill of Rights, and clinical Staff Attorney Traci Overton established nascent relationships with host schools in the city. Overton identified social studies teachers at the large, comprehensive city high schools, Camden High School and Woodrow Wilson High School, both of which house social studies academies that, *inter alia*, prepare students to participate in the state's Institute for Public Legal Education (IPLE) Model Congress program. In addition, Overton found other schools—including a since defunct disciplinary alternative high school—to host approximately seven to nine two-person teams of law student Fellows each year. After Hillman's departure for a teaching position in California, William McLaughlin, Esq., a member of the inaugural class of Marshall–Brennan Fellows at Rutgers and thereafter a practicing legal services lawyer, was recruited to teach the seminar portion of the course on an adjunct basis.

26. Ms. Klothen was hired as a director and promoted to assistant dean in 2004; she resigned in July 2013, whereupon Ms. Friedman was promoted to Acting Assistant Dean.

27. Students visited schools, detention centers, and other youth settings to teach practical law. See *About Us*, STREET LAW, INC., <http://www.Streetlaw.org> (last visited Mar. 7, 2013).

28. Congruent with the New Jersey State Bar Foundation's mission of increasing public understanding of the law, establishing Street Law projects throughout the state became the foundation's preferred vehicle—along with a statewide mock trial program—for making the law accessible to young people. By providing opportunities for law students to teach young people about law, the foundation simultaneously sensitized the state's future lawyers to the pro bono ethic and enriched their preparation for practice. The foundation already had funded similar projects, in various forms, at New Jersey's two other law schools, Rutgers University School of Law–Newark and Seton Hall Law School. The Seton Hall program operates through a partnership with the New Jersey Law and Education Empowerment Project (NJ LEEP). See *NJSBF Fellowships*, NEW JERSEY ST. B. FOUND., <http://www.njsbf.org/foundation/funding-opportunities/fellowship.html> (last visited May 17, 2013).

29. These community networks eventually became useful not only for expanding the law school's civics projects but also for expanding and improving the Pro Bono and Public Interest Program in general and for assessing community needs.

At the same time, through doctrinal teaching and active outreach, Dean Friedman began to develop relationships with individual students and student groups, especially the racial- and ethnic-affinity student bar associations.<sup>30</sup> Other immediate priorities were (1) surveying best practices regionally and nationally for curriculum and program development;<sup>31</sup> (2) developing a law student training program;<sup>32</sup> (3) establishing a database of teaching materials from Street Law, Inc.<sup>33</sup> and other sources with assistance from a series of helpful student assistants;<sup>34</sup> (4) structuring the project to permit recurrent visits by law students to the same sites, to promote interpersonal relationships, and to maximize opportunities for role modeling; (5) introducing supervision, assessment, and recordkeeping; and (6) continuing to develop relationships with sites, with periodic reflection and assessment.<sup>35</sup> The project continues to serve about twenty sites in the community, making approximately 2,000 contacts (roughly one-third unique contacts) with youth each semester, and engaging about thirty law students at a time.

Though originally hired to run Street Law, Dean Friedman was soon offered the opportunity to co-teach the Marshall–Brennan constitutional literacy seminar and co-direct the project.<sup>36</sup> Over the ensuing few years, Dean Friedman and an obliging teaching partner<sup>37</sup> have introduced programmatic changes that focus more on the socioeconomic realities of life in Camden and seek to build community among high school participants and law student Marshall–Brennan Fellows (Fellows).<sup>38</sup>

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30. The student groups included the Latino Law Students' Organization (ALIANZA), Association for Public Interest Law (APIL), Asian Pacific American Law Students Association (APLSA), Black Law Students Association (BLSA), National Lawyers Guild (NLG), and Women's Law Caucus (WLC). It was assumed that members of these groups would be inclined to serve and would be effective role models.

31. Especially helpful colleagues and resources included Craig Livemore, executive director of NJ LEEP, Inc.; Professor Richard Roe, Georgetown University Law Center; Street Law's Supreme Court Summer Institute for Teachers; and Arlene Gardener, director of the New Jersey Center for Civic Education.

32. Components of the law student training program include an introduction to the depth of poverty and deprivation in Camden; sensitivity to the social, intellectual, physical, and emotional development of adolescents; light treatment of pedagogy, learning styles, and behavior management; project mechanics; and safety, security, and professionalism.

33. "Street Law [is] a nonprofit organization that creates classroom and community programs that teach people about law, democracy, and human rights worldwide." *About Us*, *supra* note 27.

34. Former and current student assistants include Marissa Band, Esq., Tamika Stembridge, Esq., Lucille Bongiovanni, Esq., Stephen Logerfo, Esq., Jessica Miller, Esq., and Adam Wilson.

35. Andrea Leerman, education and training consultant, shared and continues to provide her invaluable expertise.

36. It was a straightforward matter to reinvigorate relationships with schools and teachers in light of new connections developed through Street Law.

37. The teaching partner was William McLaughlin, a member of the inaugural Marshall–Brennan cohort at Rutgers, a legal services lawyer and now a visiting professor in charge of Rutgers–Camden's Federal Prisoner Reentry Clinic. *Faculty: William McLaughlin*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/directory/wmclaugh/> (last visited Aug. 16, 2013).

38. Where possible, some high school classes are scheduled to meet at the law school, where they can make use of the Archer Greiner Moot Courtroom and other law school facilities, rather than at the host schools. The law school seminar's capstone project was reconfigured as a comprehensive

Meanwhile, in the 2007–2008 school year, noting a striking lack of enrollment by students who grew up in the campuses' home communities, Rutgers University unveiled a pre-college program to prepare children in New Jersey's disadvantaged urban centers to enter and succeed in college.<sup>39</sup> When Rutgers Future Scholars (RFS) enrolled its first fifty rising eighth graders in Camden,<sup>40</sup> the students' very first activity on campus was a Street Law mini-law school day. This initial activity spawned over the course of years additional Street Law and financial literacy presentations to RFS scholars, and to their parents and guardians.

In the 2009–2010 school year, with a vision of providing more consistent and intensive summer programming for RFS and a more meaningful teaching experience for law students, Dean Friedman collaborated with RFS and the New Jersey Law and Education Empowerment Project (NJ LEEP)<sup>41</sup> to pilot a Summer Law Institute (SLI), an intensive summer program for Camden youth. The SLI was a true partnership. The law school coordinated relationships, and hosted and directed the program.<sup>42</sup> RFS offered its scholars several programming options and allowed those who chose law to double their elective slots for the more demanding law program. They also paid a fee that enabled SLI–Camden to hire staff and provide stipends to participating rising tenth graders. NJ LEEP procured additional necessary funding<sup>43</sup> and provided curriculum, technical expertise, and staffing.<sup>44</sup>

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portfolio, containing not only a scholarly paper, but also a series of classroom-ready lesson plans related to the scholarly topic. Fellows road-test their lesson plans at the January symposium inaugurated in 2010 and repeated each year since. The symposium provides an opportunity for Fellows to practice teaching with live students from local cooperating high schools and to focus intently on pedagogy with guest teachers and former Fellows as their guides and reviewers. An annual bus tour of Camden, led by Charles Ray, J.D., a native son of the city, a graduate of the law school, and a former Marshall–Brennan Fellow, was introduced in 2010. In addition, social events are arranged regularly.

39. Rutgers Future Scholars offers “students who successfully complete the pre-college part of the program . . . full tuition funding through scholarships and federal grants” if they are admitted to Rutgers University. *RFS Program Synopsis*, RUTGERS FUTURE SCHOLARS, <http://futurescholars.rutgers.edu/futurescholars/aboutus/therfsprogram.aspx> (last visited Mar. 7, 2013).

40. Nyeema Watson, a Camden native, Rutgers–Camden doctoral candidate and current director of Public School Partnerships for the Office of the Chancellor, was selected to direct RFS operations in Camden on the strength of her vision, detailed familiarity with the school system, and demonstrated commitment to Camden youth. *We Are Rutgers–Camden: Our Stories: Nyeema C. Watson*, RUTGERS ST. U. N.J.–CAMDEN (July 30, 2012, 11:31 AM), <http://we-ruc.camden.rutgers.edu/nyeema-c-watson/>.

41. NJ LEEP, Inc. is a community-based organization with the mission of empowering urban youth through educational and character enhancement through year-round programming. See NJ LEEP INC., <http://www.njleep.org> (last visited Mar. 7, 2013).

42. Dean Friedman oversaw the program, hired and supervised law student employees, and capitalized on professional contacts to arrange speakers and field trips.

43. The additional funding came from the Law School Admission Council (LSAC) and Public Service Electric and Gas Company (PSE&G).

44. NJ LEEP's Director of Legal Education Jeffrey Key, a gifted teacher, was instrumental in preparing law student instructors and guiding the classroom elements of the program. Craig Livermore and Dean Friedman collaborated with RFS to create a code of conduct and program rules. Law student training was held for three weeks before the RFS students arrived and included joint training

Having participated in the first national Marshall–Brennan moot court competition in 2009,<sup>45</sup> Dean Friedman established a yearlong moot court program that prepared students to participate in the National Marshall–Brennan High School Moot Court Competition. The program, open to Camden youth and coached weekly by Marshall–Brennan Fellows, provides opportunities for all participants: (1) for the Fellows, the moot court program provides live student preparation for spring teaching; (2) for Camden youth, the moot court program provides a safe, productive afterschool activity that offers rigorous academics, good college preparatory experience, and protracted exposure to committed law student role models; and (3) for the law school’s broader pipeline aspirations and in accord with the university’s emphasis on community engagement, the moot court program invites local youngsters to spend time in the law school building, with the opportunity to envision themselves in lawyer roles.<sup>46</sup>

By 2011, with a range of community legal education projects operating successfully, the dean of students Angela V. Baker<sup>47</sup> recognized a unique opportunity to elevate the law school’s efforts. She suggested that the law school apply for a three-year Law School Admission Council (LSAC) DiscoverLaw.org Prelaw Undergraduate Scholars (PLUS) Pro-

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with NJ LEEP’s Newark, New Jersey summer interns. Using curriculum from Legal Outreach, Inc., the Summer Law Institute employed four law students as classroom teachers. The Philadelphia Bar Association graciously hosted a luncheon that featured a casual exchange with a judge and a talk about setting short- and long-term goals with local law school admission officers. LSAC staffer Yessenia Garcia-Lebron visited the SLI and enrolled participants in the DiscoverLaw.org website program. After the successful pilot, the SLI expanded in subsequent summers, enrolling RFS and LEAP Academy University Charter School students in 2011 and 2012. Law school faculty and the local bench and bar have been extremely supportive, volunteering as guest lecturers and hosting SLI groups in their courtrooms, chambers, and offices. The 2012 Institute included a visit to Morgan, Lewis & Bockius LLP, where Michael Banks, Esq. told the story of his decades-long representation of a death-row inmate. Another annual visitor, Nikki Johnson Huston, Esq., described her odyssey from homelessness to practicing law, and Rhasheda Douglas, Esq. has shared her own inspiring story. The SLI is indebted to the Philadelphia Bar Association and its longtime executive director Kenneth Shear, Judge Denis Cohen, Judge Eduardo C. Robreno, Judge Joel Schneider, Judge Karen Williams, Judge Judith Wizmur, U.S. Marshal Terence Merrigan, and others.

45. In the 2008–2009 school year, Marshall–Brennan announced that Drexel University Earl Macks School of Law Trial Advocacy Director Gwen Stern, director of the Drexel chapter of Marshall–Brennan, had attracted funding from the Brook J. Lenfest Foundation to support a national moot court competition in Philadelphia. The national Marshall–Brennan office promulgated a problem and sponsored participation by teams from fifteen Marshall–Brennan law school chapters throughout the United States. Rutgers-coached student Jose Tavarez, from district magnet MetEast High School, reached the quarterfinals.

46. The moot court program has continued to grow and now recruits not only from local partner schools but also from RFS and from a small scholarship program at Camden Catholic High School. Fellows are invited to coach in the fall, and one of the Marshall–Brennan teaching assistants each year is assigned to manage the club, gaining valuable leadership experience in the process.

47. Dean Baker taught Legal Research and Writing for several years in the 1990s and was the director of the Legal Research and Writing Programs at Rutgers University School of Law–Camden. She has worked with the Council on Legal Education Opportunity (CLEO) and has been a lifelong advocate for immigrants. *Faculty: Angela Baker*, RUTGERS U. SCH. L.–CAMDEN, <http://camlaw.rutgers.edu/directory/angbaker/> (last visited Mar. 7, 2013).

gram grant.<sup>48</sup> LSAC selected Rutgers–Camden as a site for the three-year period beginning in 2012.<sup>49</sup> The PLUS Program was the law school’s first real opportunity to tie its community law-related education projects—all of which have the potential to contribute to diversifying the pipeline to the legal profession—to a more tangible, immediate pipeline effort. Rutgers graduated seventeen college students from underrepresented racial minority groups from its June 2012 residential program.<sup>50</sup>

## B. Synergies and Impacts

### 1. Synergies

The various community law-related educational programs at the law school benefit from and continue to spawn synergies related to people, programming, and curriculum. Resources flow efficiently from one project to another.<sup>51</sup> As the projects have matured, substantial exchange has developed among teachers, principals, guest speakers, and other participants in the various programs. Teachers from Marshall–Brennan sites assist with Street Law training, and lesson plans that have worked at the Boys and Girls Club sometimes appear in the SLI. Street Law sites routinely ask to participate in Marshall–Brennan, and now these sites also send students to the SLI and the moot court program. The law school is able to provide added value to schools and other sites when students who are there to teach also can connect the community with the law school’s Domestic Violence, Immigration and Volunteer Income Tax Assistance Projects, and other pro bono services, or can refer potential clients to the law school’s clinical program.<sup>52</sup> Law students routinely ferry flyers about law school pro bono offerings to the schools and other sites they visit as guest civics teachers.

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48. LSAC’s summer PLUS Programs provide pre-law exposure and rigorous summer academic enrichment experiences to diverse college students throughout the United States. See *LSAC DiscoverLaw.org PLUS Program*, *supra* note 7.

49. LAW SCH. ADMISSION COUNCIL, INC., 2012 DISCOVERLAW.ORG PLUS PROGRAMS 1 (2012).

50. After a rigorous application process, rising college sophomores and juniors from underrepresented racial minority groups at colleges and universities throughout the United States were selected to attend mock law school classes, participate in a whirlwind month of field trips, meetings with lawyers and judges, and social activities. The academic component of the program was structured on a lawyering model, in which students were introduced to various substantive topics and skills through a school-suspension problem developed in-house that touched on torts and search and seizure. The program will continue with LSAC support through 2014, at which point it is expected to proceed with independent funding.

51. When a site works well for Street Law, it may become a candidate for Marshall–Brennan. Speakers, field trips, and other program elements transfer easily from one project to another. Likewise, to the extent possible, recruitment flyers, behavior contracts, training materials, assessment instruments, liability waivers, and other forms and procedures are used across projects, with adaptations as warranted.

52. For example, discussions with St. Joe’s Pro Cathedral School, a local parish K–8 school, about potentially housing the law school’s Immigration Pro Bono Project later yielded partnerships for Street Law and Constitution Day. Such deepening collaborations have developed at many sites.

Perhaps the paradigmatic example of the interconnectedness of projects is the law school's relationship with UrbanPromise Academy (UPA).<sup>53</sup> When the law school's Environmental Law Society wanted to add a youth educational component to its efforts, law students developed a few lesson plans<sup>54</sup> that have since become part of a sequential four-year program the law school has developed with Demetrius Marlowe, UPA's energetic principal. This sequence includes Street Law for freshmen, environmental law for sophomores, financial literacy for juniors, and Marshall–Brennan for seniors. Mr. Marlowe also encourages his students to participate in the moot court program and hosted a dress rehearsal for the team in the spring of 2012. His students participated in the Marshall–Brennan symposium in January 2013, and Mr. Marlowe himself has assisted with Street Law and Marshall–Brennan trainings. In 2012, the law school hosted a joint session for Marshall–Brennan Fellows and UPA teachers, who together studied New Jersey's bullying legislation and child abuse reporting laws. The law school's Black Law Students Association (BLSA) provides tutoring and mentoring at UPA,<sup>55</sup> and the Pro Bono Program has organized a day of service with the ministry. The relationship between the law school and UPA is exceptionally robust, but other partnerships in the community too are incubators for energetic and creative collaborations.

Equally strong is the connection that has developed between the law school and the community of alumni who have participated in its civics projects. In addition to the emotionally riveting and enduring personal relationships intrinsic in the work of teaching young people, the projects themselves provide a continuing and concrete way for alumni to stay connected to Camden and to the law school.<sup>56</sup>

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53. UrbanPromise Academy is a private Christian high school that aims to meet the needs of students who have not met their academic potential in traditional school settings and often enter school two to three grade levels below national standards. It is part of an international ministry. *UrbanPromise Academy*, URBANPROMISE, <http://www.urbanpromiseusa.org/our-programs/academy> (last visited Mar. 7, 2013).

54. As Street Law has developed, it has spawned several offshoots to meet community needs and the interests of law student participants. When the Camden chapter of the American Constitution Society (ACS) suggested a Constitution Day observance, the law school built a partnership among ACS, Street Law, and Marshall–Brennan that is entering its fourth year in Camden's elementary and middle schools. In partnership with the law school's National Lawyers Guild chapter, Street Law developed lessons on custody, employment discrimination, landlord–tenant, and related practical legal issues for women prisoners in the Federal Correctional Center in Philadelphia. And with the Association for Public Interest Law and its Voters Rights Project, Street Law has developed lesson plans about the importance of voting and has assisted with voter registration in Camden's schools. Current projects include work with student groups to educate Camden youth about reproductive rights and domestic violence.

55. The tutoring and mentoring performed by members of the BLSA is not for pro bono credit.

56. Former students return regularly to assist with trainings, provide feedback on mock teaching exercises, orient current law students as to what they might expect at various sites, moot high school students for oral arguments, and serve as judges. Former students serving as judicial clerks have arranged and hosted field trips to their courtrooms and meetings with their judges, and alumni in practice have organized visits at their law firms. Alumna Tara Pellicori, an attorney at DLA Piper,

## 2. Impacts

There certainly is a place at Rutgers for those law students who seek a single or relatively straightforward community civics education experience. At the same time, a progressive continuum of opportunities is being defined for those who wish to invest substantially in law-related educational activities, and a community of such students is developing.<sup>57</sup> These students will carry their relationships with children from Camden into their personal and professional futures, hopefully with increased sensitivity to community needs and to the humanity of their future clients. As with other pro bono and lawyering experiences, these students—whether they ultimately practice law, become legislators or judges, teach, or pursue careers in government or elsewhere—will have a better understanding of the quality of justice.

Likewise, the civics programs have expanded and reframed the law school's own understanding of its mission. Several factors, including (1) the sheer volume of projects; (2) the telegenic appeal of the teenaged students involved; (3) the frequent opportunities for faculty and staff involvement; and (4) the intuitive "fit" between the law school's efforts and a community in frequent, but not always healthy, contact with the law, contribute to an intangible but palpable sense that one of the law school's reasons for existing is to help the community understand the law, and by so doing, to empower people in Camden. The law school has accorded its civics projects a prominent place at the table, evident at law school events such as awards ceremonies and in university publications.<sup>58</sup>

Finally, the projects have literally opened the doors of the law school to the community it serves. Camden's young people weave in and out of the law school routinely, and as a result are gaining in confidence, substantive legal knowledge, exposure to higher education and pre-professional skills, and comfort in the university setting.<sup>59</sup> The law

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a superstar teacher and prolific pro bono volunteer, continues to teach Street Law year-round, every other week at a juvenile detention center, and has helped with law student supervision.

57. The Street Law and Financial Literacy Pro Bono Projects have become feeders for the credit-bearing and prestigious Marshall-Brennan Fellowship and the SLI. These projects will feed LSAC. Additionally, of those students who excel in Marshall-Brennan each year, the law school is able to select two or three for the following year as Michael Young Scholars, teaching assistants who run the moot court program and assist with several other aspects of research and administrative work, to support the fellowship. Michael Young was a Rutgers law student whose family established a scholarship in his memory, honoring his commitment to serving disadvantaged people.

58. The law school website often features photographs of Camden youth in the law school's Archer Greiner Moot Courtroom and otherwise engaged in civics activities herein described. See e.g., RUTGERS U. SCH. L.—CAMDEN, <http://www.camlaw.rutgers.edu> (last visited Mar. 7, 2013). The university's public relations professionals produced a short videotape about the inaugural SLI in 2010 and its culminating mock trial. See RutgersToday, *Rutgers Future Scholars of the Law*, YOUTUBE (Jul. 30, 2010), <http://www.youtube.com/watch?v=dCsfnDEGVkc>.

59. Poignantly, one young man first encountered Street Law at a detention center, and the following year found himself in another Street Law class, this one held at the law school, through his general education development (GED) and work readiness program. Another student first encoun-

school's hope is to enroll graduates of its various programs in the LSAC DiscoverLaw.org PLUS Program and, ultimately, in the law school and legal profession.

### C. Themes

Although much of the progress in Camden has been the result of good timing and unusually strong support from the law school and university administration, some themes emerge that may be broadly helpful to law schools in the process of building law-related educational programs.

*Being an on-site and integral part of the law school community is significant.* In particular, strategic and consistent outreach to law student affinity groups is important. Dean Friedman, a middle-aged Caucasian woman, has made regular efforts to reach out explicitly to the affinity law student groups representing historically underrepresented racial minorities. These overtures have been to support students' individual and organizational aspirations and to engage them in educational outreach projects. The students have been openly appreciative of these efforts both because they want professional development opportunities and because they value the personal satisfaction of working with minority youth. Naturally, the students' contributions are invaluable.<sup>60</sup>

*Building a community of law students and alumni who identify as champions of social justice and educational equity takes time and effort.* It takes hard work to develop a community around these values. Soft connections, such as shared meals and casual social gatherings, go a long way.

*Champions are critical.* Camden City Public Schools were under state control for much of the past decade,<sup>61</sup> and after a brief period of self-rule, the Board of Education voted in May 2013 to endorse Governor Christie's renewed state takeover.<sup>62</sup> In a system riddled with challenges, making law school projects work has required champion teachers, administrators, and staff at schools and other sites. There is no substitute for taking time to get to know teachers and administrators, for staying in

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tered the law school through Street Law and RFS. She later enrolled in the SLI, then participated in a Marshall-Brennan class at LEAP Academy, then joined the moot court club and competed nationally. The following summer, she served as the SLI intern and rejoined the moot court club in the fall, again competing nationally in 2012. She made a guest appearance in the 2012 SLI to teach a lesson on professionalism and is now enrolled in the 2012–2013 moot court program.

60. One issue that has arisen with some regularity is that contacts in the community often have turned to the law students, seeking more comprehensive legal and personal help and support than the law school's projects are designed to provide. It is critical to work with students in training and on an ongoing basis on establishing professional boundaries and resisting the temptation to practice law without a license.

61. Matt Bolch, *A Failure of Leadership*, SCHOLASTIC, <http://www.scholastic.com/teachers/article/failure-leadership> (last visited Mar. 7, 2013).

62. Claudia Vargas, *Camden Schools Now in State's Hands*, PHILA. INQUIRER, May 2, 2013, at B1.

close touch, for planning and debriefing, and for going out of the way to make relationships work. Dean Friedman has tried to enlist law students in this effort, for example by insisting that law students meet their classroom obligations scrupulously and by asking students to stretch to accommodate teacher requests.

*It is important to prepare and sensitize law students for their work in the community.* In particular, they need to understand (1) that despite socioeconomic and cultural differences, they can make genuine connections with youth in the community by being themselves; (2) that illiteracy may obscure their students' profound intelligence; and (3) that consistency, appropriateness, fairness, and honesty are critical.

*Expect change and expect the unexpected.* In 2011–2012, in a now-defunct alternative classroom program<sup>63</sup> where Rutgers students taught Street Law, several boys were arrested, and several girls withdrew—one by one—on maternity leave. The class evaporated. It is routine for programs suddenly to lose funding or get absorbed into other programs. Principals get transferred, and schedules get changed for no apparent reason. Changing course is the norm, and it helps to expect things not to go as planned.

*Reflection and assessment are vital.* Although objective measures have a role in program development, sitting down face to face to debrief, discuss, and reflect is critically important to the success of programming.

## II. HOW EDUCATIONAL OUTREACH PROGRAMS POSITIVELY AFFECT LAW STUDENTS<sup>64</sup>

Throughout my time as a student, and even continuing after law school, I have been involved with several of the educational outreach programs offered at Rutgers–Camden.<sup>65</sup> Whether it was teaching in a high school classroom as a Marshall–Brennan Fellow, volunteering to coach high school students for the 2012 Marshall–Brennan Camden moot court program,<sup>66</sup> or serving as the assistant director for the recently instituted LSAC DiscoverLaw.org PLUS Program,<sup>67</sup> I have consistently

63. CAMDEN CENTER FOR YOUTH DEV., <http://www.ccydinc.org> (last visited Mar. 7, 2013).

64. This Part is a firsthand account written by co-author Conrad Haber.

65. I was a 2009–2010 Marshall–Brennan Constitutional Literacy Project Fellow, the legal coordinator, and instructor for the inaugural 2010 Rutgers–NJ LEEP, Inc. Summer Law Institute, the 2010–2011 Marshall–Brennan Constitutional Literacy Project Michael Young Scholar and teaching assistant, the 2011–2012 moot court program coach, and the assistant director for the 2012 LSAC DiscoverLaw.org Prelaw Undergraduate Scholars Program.

66. The moot court program is an afterschool enrichment program serving all of the Camden-area high schools. Byron Guevara, a senior member of the team from Camden Catholic High School, won the Best Petitioner award at the 2012 Marshall–Brennan Moot Court National Competition in Washington, D.C. See *Camden Teens Shine in National Moot Court Competition: Coached by Rutgers–Camden Marshall–Brennan Fellows*, RUTGERS ST. U. N.J.–CAMDEN (Apr. 10, 2012), <http://news.rutgers.edu/medrel/camden/camden-teens-shine-i-20120410>.

67. The LSAC PLUS Program is a four-week, intensive summer program that aims to expose disadvantaged students of color to the law. Students from colleges and universities throughout the

had a desire to give back to the community through the educational outreach programs offered at Rutgers–Camden.

But this was not always the case. In fact, prior to law school, I never thought about the possibility of giving back to the community through education. I always assumed, as I imagine most do when entering law school, that community service involved volunteering through Habitat for Humanity or serving food at a soup kitchen. However, this view quickly changed during my time as a Marshall–Brennan Fellow. Watching a shy, reserved high school student with few aspirations turn into a confident, outgoing young adult through exposure to legal instruction cemented the belief in my mind that the community could be served well by law students utilizing the tools of education.

### A. *The Opportunity*

The educational outreach model provides a unique opportunity for law students and the students from the community. For law students, there is an opportunity to make an immediate difference in the life of someone from the surrounding community. I think most people go to law school because they want to create change and make a difference. The educational outreach programs at Rutgers–Camden provide law students with the ability to connect with, positively influence, and form ties with members of the local community.

For non-law students, especially high school students in urban areas, these educational initiatives provide an opportunity for them to interact with young, successful mentors while also introducing them to the benefits of legal education. I remember the first time I taught a lesson on the First Amendment to students at the LEAP Academy University Charter School<sup>68</sup> in Camden, New Jersey. While teaching a class on the freedom of speech, I immediately noticed a deficiency in the students' ability to analyze information. Although the students could understand the text of the First Amendment, and the reasoning of the Supreme Court in *Tinker v. Des Moines Independent Community School District*,<sup>69</sup> they struggled to take those two independent concepts and apply them when arguing that a particular hypothetical situation was constitutional or unconstitutional.

But after weeks of hard work, which the students were more than eager to perform, these high school students, who previously struggled to

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country attend intensive courses on substantive law, compete in a moot court competition, write memoranda and briefs, visit law firms, speak with judges and professors, and interact with practicing attorneys. *LSAC DiscoverLaw.org PLUS Program*, *supra* note 7.

68. "The LEAP (Leadership, Education, and Partnership) Academy University Charter School is a [K–12] public charter school that serves Camden City with one core principle: all children and families deserve access to a quality public education." LEAP ACAD. U. CHARTER SCH., <http://www.leapacademycharter.org/> (last visited Mar. 7, 2013).

69. 393 U.S. 503 (1969).

make the connection between cases on the first day of class, began crafting elaborate and creative arguments. I was often extremely impressed with the students' arguments, even suggesting at times that they were more creative than the arguments I heard from law students concerning similar hypothetical problems in my classes. Rutgers–Camden Marshall–Brennan Fellow Andrew Dodemaide, who taught at Woodrow Wilson High School<sup>70</sup> in Camden, New Jersey, had a similar experience. Andrew stated in an interview with the *Gloucester County Times* that when he started teaching, he noticed that students used their gut reactions to inform their opinions.<sup>71</sup> But just as I experienced in my own classroom, Andrew went on to explain that over time his students began to impress him “with their ability to apply facts and law in creative ways to justify their conclusions.”<sup>72</sup>

### B. Civic Engagement

Another major benefit derived from educational outreach programs is the constant cultural exchange. Both the law student and high school student are exposed to differing cultures, views, and ways of approaching life.

I experienced this reality firsthand during my first week teaching at the LEAP Academy Charter School in Camden, New Jersey. One day, as I was teaching a class on the Fourth Amendment, a student spoke up after I described the requirements for a warrant and its execution. This student told me I was wrong. She explained that the previous night, the Camden police had kicked in the front door of her house before dragging her mother out in handcuffs. She said the police did not have a warrant and that they did not warn anyone in the house that they were entering before they broke down the door. I didn't know what to say. This was my first experience seeing the difference between the law we study in school and the law experienced in the lives of people in Camden, New Jersey. All I could say is that if her mother was brought to jail as the result of an improper arrest, her appointed lawyer would likely be able to help her out. On the next day of class, that same girl came in with a smile on her face and said, “Mr. Conrad, you were right about that warrant thing. The cops have to buy us a new door, and my mom is back at home.”

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70. Woodrow Wilson High School was ranked 381 out of 381 schools in New Jersey for the 2010–2011 school year based on the scores the school's students received on the High School Proficiency Assessment (HSPA) Language Arts Literacy and HSPA Math exams. *Worst 10 New Jersey Schools*, SCH. DIGGER, <http://www.schooldigger.com/go/NJ/schoolrank.aspx?pagetype=bottom10&level=3> (last visited Mar. 7, 2013).

71. John Barna, *Rutgers–Camden Program Offers Camden Teens a Broader Understanding of Constitution*, NJ.COM (Apr. 17, 2011), [http://www.nj.com/camden/index.ssf/2011/04/rutgers-camden\\_program\\_offers.html](http://www.nj.com/camden/index.ssf/2011/04/rutgers-camden_program_offers.html).

72. *Id.* (internal quotation mark omitted).

At the time I was relieved to have my lesson vindicated, but as I began to reflect on what happened, I started to understand that my students had an entirely different view of how the law functions in their lives. The exposure to this different view of the law has given me the ability to better empathize and understand the problems facing people living in impoverished urban areas.

But just as I learned from my students, they were learning from me. As we continued talking about the Fourth Amendment, a student asked me to explain why someone who lived in the suburbs would sell drugs. The student said, "If I had money, had food, had a house . . . , I wouldn't risk that for money." I replied that most of those people in the suburbs just want "more money to buy stuff." The student responded, "That's stupid. If I had all that stuff I would never consider selling drugs . . . . [D]on't they realize how lucky they are?"

In my head I was left with one thought, "In some cases, I really don't think they do."

### *C. The Benefits to a Future Lawyer*

Whereas the immediate reward for any public outreach program is seeing the results of your work, I think there is a far more compelling reason to mandate participation in community outreach projects. To become well-rounded lawyers, law students need to have a wealth of experience. In some cases, the only way we can begin to understand a world we have never seen is to be exposed to it whenever possible.

As lawyers, we need to explain complex legal issues to people who have never read a textbook or taken a class in criminal law or torts. By having to break down complex legal issues and teach them to high school students on daily basis, I was able to hone my skills at making the law digestible for non-lawyers. I always thought, "If I can explain the Due Process Clause to a fifteen-year-old student who is half awake on a Monday morning, I should have no trouble explaining it to an adult."

In addition to this educational benefit, participation in these educational outreach programs—especially through law schools in impoverished areas—provides law students with the ability to learn about and understand the views of people in the community, whatever the community may be like. This understanding could be beneficial when representing a client from the local area or when trying a case before a jury comprised of members of the community. By understanding culturally different views on the law, the task of relating issues to the experiences of potential clients or jurors will be easier.<sup>73</sup>

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73. See Ian Gallacher, *Thinking Like Nonlawyers: Why Empathy Is a Core Lawyering Skill and Why Legal Education Should Change to Reflect Its Importance passim* (Syracuse College of Law Faculty Scholarship Paper 6, 2012), available at <http://surface.syr.edu/lawpub/6>; see also

### III. WHY PUBLIC LAW SCHOOLS SHOULD REQUIRE PUBLIC OUTREACH PROGRAMS

We turn now to the argument that law students at public law schools should be required to teach the public about the constitution and their rights under the law, as one option of a comprehensive pro bono program designed to meet unmet legal needs in the community. Teaching the public about the constitution is an outstanding example of how law student, law school, university, and community needs overlap and provide an excellent opportunity for meaningful public service.

#### *A. What Are the Benefits for Law Students?*

In order to understand not only how but why it is critical to provide pro bono service to the community, law students should be taught the pro bono ethic. American Bar Association Model Rule 6.1<sup>74</sup> presents one of the most important values of the legal profession, and teaching it by providing opportunities to do it will give students a blueprint or game plan for incorporating it into their careers and lives. Indeed, the Preamble to the Model Rules of Professional Conduct states, “A lawyer . . . is a representative of clients, an officer of the legal system and a public citizen having special responsibility for the quality of justice.”<sup>75</sup> All students must take a professional responsibility course (sometimes referred to as ethics), and there is no better way to teach the pro bono ethic than by modeling it and providing opportunities to do it.

Furthermore, law students need to develop lawyering skills, including explaining critical legal concepts to those not familiar with them, knowing how to make presentations, and being able to answer spontaneous questions. Law students also benefit from a deeper understanding of constitutional law, from exposure to the community where they attend school,<sup>76</sup> and from the opportunity to serve that community. Participation in Marshall–Brennan and similar programs provides opportunities for all of the above.

When law students do any form of public service work, they generally have an opportunity for reflection on their experiences. Reflection reinforces the value of the service for both the provider and recipient of that service, which in turn reinforces the educational benefit. In addition, both exposure to and service to community where they attend school has great social value.

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Silvana Naguib, *The Law School Empathy Deficit*, AM. PROSPECT ONLINE, <http://prospect.org/article/law-school-empathy-deficit> (last visited Mar. 7, 2013).

74. Rule 6.1 states: “Every lawyer has a professional responsibility to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year.” MODEL RULES OF PROF’L CONDUCT R. 6.1 (2012).

75. MODEL RULES OF PROF’L CONDUCT pmbl. (2012).

76. Often law students bury themselves in the school’s classrooms and libraries, so this is not insignificant. See Gallacher, *supra* note 73, at 6–7, 48.

### *B. Why Should Law Schools Participate?*

With the legal profession's core value of access to justice at its foundation,<sup>77</sup> the American Bar Association (ABA), representing the bar, and the Association of American Law Schools, representing the law school community, have taken the view that law schools must encourage and enable all law students to engage in pro bono work and public service.

In 2005, the ABA revised its accreditation standards by adopting Standard 302(b)(2), which provides, "A law school *shall* offer substantial opportunities for student participation in pro bono activities."<sup>78</sup> This revision amended former Standard 302(e), which provided only that a law school "should" provide opportunities for student participation in pro bono activities.<sup>79</sup>

In August 2007, the ABA further clarified this standard when it adopted Interpretation 302-10, which provides:

Each law school is encouraged to be creative in developing substantial opportunities for student participation in pro bono activities. Pro bono opportunities should at a minimum involve the rendering of meaningful law-related service to persons of limited means or to organizations that serve such persons . . . . While most existing law school pro bono programs include only activities for which students do not receive academic credit, Standard 302(b)(2) does not preclude the inclusion of credit-granting activities within a law school's overall program of pro bono opportunities . . . .<sup>80</sup>

Historically, public law schools shared the public university goals of providing affordable and accessible education for state residents that also grew to include providing research and assistance to improve laws of the state.<sup>81</sup> In many ways, law libraries reflect the public nature of public law schools more than does any other part of a law school, because libraries' resources must be made available to the public.<sup>82</sup> Just as libraries are an essential component of a law school, civics programs that increase public understanding of the law are a critical part of the law school's mission.

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77. H. Thomas Wells Jr., *Judges Promote the Bar's Core Value of Access to Justice*, 47 THE JUDGES J. 1, 1 (2008).

78. AM. BAR ASS'N, STANDARDS FOR APPROVAL OF LAW SCHOOLS 21–22 (2008) (emphasis added).

79. AM. BAR ASS'N, EVERYTHING YOU WANTED TO KNOW ABOUT LAW SCHOOL PRO BONO BUT WERE AFRAID TO ASK . . . , at 2 (2010); see also AM. BAR ASS'N, *supra* note 78, at ix (mandating that law schools "must provide an educational program that ensures that its graduates . . . understand the law as a public profession calling for the performance of pro bono legal services"); *id.* at 32 (requiring law schools to establish policies with respect to full-time faculty that should address faculty members' "obligations to the public, including participation in pro bono activities").

80. AM. BAR ASS'N, *supra* note 78, at 21.

81. Connie Lenz, *The Public Mission of the Public Law School Library*, 105 LAW LIBR. J. 31, 37 (2013).

82. *Id.* at 43.

Service to the state was and remains emphasized in public law schools.<sup>83</sup> Christopher Edley, the dean of the University of California Berkeley Law School, suggests that two of the elements that can define and distinguish a public law school include production of leaders for all communities and sectors, and harnessing excellence in teaching and research to tackle the toughest, most critical problems of the day.<sup>84</sup>

Making sure that everyone has an understanding of the Constitution satisfies an important community need. For historical purposes, and because the Constitution is the foundation of American law, it is critical that everyone know and understand this key document that is unique in our history, and remains highly relevant today. It is particularly important in communities where the law is seen as an oppressive force that young people understand the Constitution as a living document that safeguards their rights.

### *C. Why Is this Especially Important at Public Universities?*

Service to the community is an important part of a public university's mission. For instance, the Rutgers University mission is three-pronged: "teaching, research and . . . service."<sup>85</sup> Part of the Rutgers vision is "[a]dvancing the well-being of our communities."<sup>86</sup> To realize that goal, Rutgers is committed to "serv[ing] our communities."<sup>87</sup>

Public universities play a special role in their communities. Supported in part by public dollars, they have a heightened responsibility to serve and educate the citizens of the state. They serve a critical state interest in educating the public, so that there will be an informed citizenry and well-educated voters. "Traditionally, the core mission of the public university has been to provide citizens of the state with an affordable and accessible education, and to benefit the state by educating its citizenry and providing service to and research for the benefit of the state."<sup>88</sup>

The Kellogg Commission on the Future of State and Land-Grant Universities, which is widely viewed as setting the agenda for the future of public universities,<sup>89</sup> identifies six basic elements that define the obligation of public universities today.<sup>90</sup> Those most relevant here include

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83. *Id.* at 38.

84. *Id.* at 41.

85. RUTGERS ST. U. N.J., HANDBOOK FOR MEMBERS OF GOVERNING BOARDS 4 (2007).

86. *Id.* at 6.

87. *Id.*

88. Lenz, *supra* note 81, at 34.

89. See *Kellogg Commission on the Future of State and Land-Grant Universities*, ASS'N PUB. & LAND-GRANT U., <http://www.aplu.org/page.aspx?pid=305> (last visited Mar. 8, 2013) [hereinafter *Kellogg Commission*]; see also JOHN V. BYRNE, PUBLIC HIGHER EDUCATION REFORM FIVE YEARS AFTER THE KELLOGG COMMISSION ON THE FUTURE OF STATE AND LAND-GRANT UNIVERSITIES *passim* (2006). The Kellogg Commission was created in 1996 to "help define the direction public universities should go in the future and to recommend an action agenda to speed up the process of change." *Kellogg Commission, supra*.

90. Lenz, *supra* note 81, at 36; see also *Kellogg Commission, supra* note 89.

learning environments that “prepar[e] students to lead and participate fully in society,” engagement—a conscious effort to bring “resources and expertise to address local, state, national and international problems,” and open and “public accountability.”<sup>91</sup> Commenting on the differences between private and public universities, the commission noted, “[I]t is the fundamental, inescapable obligation of public higher education to provide broad student access, to conduct research, and to engage directly with society and its problems—all in the service of advancing the common good.”<sup>92</sup>

*D. What Is the Community Interest?*

Promoting understanding of the Constitution satisfies an important community need. As noted above, because the Constitution is the foundation of American law, it is critical that everyone understand this document that remains highly relevant today. Everyone should have that understanding; all residents will better understand American history, government, and culture. In addition, with that understanding, citizens are better equipped to make informed and thoughtful decisions on election day.

Without knowledge of the law, there can be no respect; without respect, there will be less adherence. It is incumbent upon all those who seek to continue our democratic tradition to ensure that such knowledge is transmitted in the most effective way possible. The Marshall–Brennan Constitutional Literacy Project and programs like it represent the very best vehicles to achieve that end.

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91. Lenz, *supra* note 81, at 36.

92. *Id.*

