

One-on-One Bar Tutorial Program

by Donald J. Richardson

The One-on-One Bar Tutorial Program began in the summer of 1998 as a result of a conversation I had with Wade Berryhill, a professor at my alma mater, the T.C. Williams School of Law at the University of Richmond. Wade and I were discussing the bar passage rate among minorities who have taken the Virginia bar exam. I reminded Wade that several of the other African-Americans who graduated in my class had failed to pass the July 1997 bar exam. I told Wade that I wanted to do something to help make it easier for my friends and other African-Americans to pass the bar exam. I knew that Wade could offer some good advice on the subject because he has been teaching the Richmond Bar Review Course and tutoring students for the Virginia bar exam for more years than he cares to admit. I asked Wade if he would be willing to teach me how to tutor and prepare students for taking the essay portion of the Virginia bar exam.

After receiving the appropriate training from Wade, I began tutoring African-American graduates of T.C. Williams to take the essay portion of the Virginia bar exam. It is now known as the One-on-One Program. Tutor and student meet four times during the months of January and February or June and July—depending on whether the student is taking the February or July bar exam. Each of the four tutorial sessions lasts two hours. During each session, the person studying for the bar is required to give written answers to three or four essay questions. The tutor reviews each answer with the student. The tutor can test the student's knowledge of any of the subjects in the Virginia bar exam. The tutor is not paid for his or her services, and the student is not charged a fee. Currently, the program is offered only to individuals who have been unsuccessful in passing the bar after at least two attempts. To date, ten students have participated in the program. Of the ten, eight subsequently passed the bar exam. They said that the program helped them prepare for and pass the bar exam. It must be stressed, however, that the program is not a substitute for taking a bar review course. In fact, only individuals who are enrolled in a bar review course are eligible to participate.

Thanks to funding from Theophlise L. Twitty, Robert J. Grey, Jr., and the law firms of Williams, Mullen, Clark & Dobbins, P.C., and Condo & Masterman, P.C., the program will have five additional tutors. The tutors will receive the necessary materials, as well as training from Wade Berryhill, so that they can tutor individuals for the July 2001 bar exam. Once additional funding is received, the program will include all law schools in Virginia. Additionally, the program will include all minorities, as well as so-called "non-traditional" students. Non-traditional students include individuals who enroll in law school after having reached the age of thirty. Ultimately, the program will include minorities and non-traditional students who are taking the bar exam for the first time. 🍷

Loan Forgiveness Programs Foster Access to Law Careers

by Julian Brown

One of the many obstacles minorities often face in becoming attorneys is the enormous amount of debt incurred while attending law school. The financial strain of those debts eliminates public service law as an option for law school graduates of color, since salaries in this area are among the lowest. Because fewer long-term opportunities exist for minorities than for whites at Virginia law firms, greater access to careers in public service would increase the number of practicing minority lawyers. Public interest practice can also develop a new lawyer's legal skills more rapidly, by providing more trial experience than newly-admitted lawyers usually get at big firms.

Law schools nationwide have started programs that give graduates assistance in paying off their student loans if those graduates spend time in public service. One of the goals of the Millennium Diversity Initiative (MDI) is to encourage and foster these public service loan forgiveness programs at Virginia law schools.

Current Virginia Law School Loan Forgiveness Programs

The University of Virginia School of Law and Washington & Lee University School of Law offer public interest loan forgiveness programs. UVA, already among the best bargains in legal education nationwide, established its Public Service Loan Assistance Program (PSLAP) in 1991, and it received a substantial capital contribution in 1998. PSLAP provides loans to law graduates in public service to assist in federal loan repayment. The participant begins to have portions of a PSLAP loan forgiven after four years of public service, and after ten years of service, 100 percent of the PSLAP loan is forgiven. PSLAP contributes to participants a percentage of their yearly student loan obligations for all graduates making \$45,000 per year or less, and for those making under \$25,000, PSLAP will pay off the full amount of the loan obligation.

According to Rebecca Peters, assistant director of UVA's Public Service Center, approximately 50 graduates per year are granted aid through PSLAP. She says that the program has flexibility built in so that if funds from its yearly endowment remain, UVA will provide additional funding beyond the framework of the program. The program also benefits lawyers who eventually make more than the \$45,000 ceiling; if they stay in public service for more than four years, they still qualify for loan forgiveness for earlier PSLAP contributions.

UVA Law also has established the Public Interest Law Association (PILA) to encourage law students to take public interest internships during summers. PILA is funded by a combination of voluntary student contributions and matching donations from the Law School Foundation. PILA provides \$100,000 in total dona-

tions per year to law students. By allowing its students an early start in public service, UVA has strengthened its commitment to public legal services and its commitment to providing a variety of career options to its graduates.

Washington & Lee Law School's "Edmund Campbell Program" is much smaller than PSLAP, but also provides grants to graduates in public service. The program provides between \$1,000 and \$6,000 to assist qualifiers under the plan in satisfying loan obligations. According to Susan Palmer, associate dean of student affairs and admissions, very few W&L graduates enter public service. The only person to apply in 2000 was granted funds under the program. Ms. Palmer said that the Edmund Campbell Program will last as long as its endowment holds up (which may not be long), and there are sufficient funds for about three participants per year.

Law School Loan Forgiveness Across The Country

Other national law schools have programs similar to that of UVA. Georgetown Law has one of the nation's most generous forgiveness programs, providing funds for all of a graduate's loan obligation for public sector lawyers with incomes under \$33,000, and partial contributions for incomes as high as \$50,000. Unlike UVA's program, partial loan forgiveness begins immediately and full forgiveness is available after just five years. Other national law schools with public service forgiveness programs similar to UVA's PSLAP are Yale, NYU, Michigan, Columbia, Penn and Stanford.

- Yale Law School's Career Options Assistance Program is one of the most comprehensive public interest loan forgiveness initiatives in the nation. The program offers full forgiveness for graduates making under \$39,000 per year, and forgives all but 25 percent of incremental income greater than \$39,000. Yale goes farther than most programs by also providing relief for attorneys accepting academic positions or joining lower-paying firms. Yale law students in public interest areas receive an allowance of up to \$400 per week during summers.
- The University of Pennsylvania Law School gives two-thirds scholarships to law students based on pre-law-school records of public service and a future commitment to practice in public service. Participants in Penn's program also are given priority in loan forgiveness.
- Brooklyn Law School has a selective program that pays \$5,000 directly to loan institutions for lawyers in public service.
- Tulane Law School has a loan forgiveness program for public defenders where the yearly income of the graduate is less than \$34,000.

Should Virginia Follow The Trend?

There are many reasons for Virginia law schools to follow the current trend of law schools that provide loan forgiveness to lawyers joining the public sector. By making the public interest work affordable to law graduates, we increase the quality of legal services available to all Virginians. Law students and young lawyers

will be chief benefactors because they will have more options in charting career courses. Minority lawyers will particularly benefit from a push to foster legal public service, as they historically have had less success entering and being retained by large firms.

Choosing to go to law school is a very risky proposition. Would-be lawyers who are not from wealthy families accumulate massive debt in hopes of a future opportunity for success and monetary rewards as an attorney. But in order to realize this possibility, the student must graduate from law school with a high class ranking, must pass the bar exam, and must compete for limited number of opportunities at big firms. That lawyer must then find success at the firm, somehow finding time between long research assignments and document reviews to develop legal and "rain-making" skills. This is not only a long process, but also is one that is fraught with obstacles for the minority aspirant. Failure at any point can be a financial disaster. Currently, only the very brightest and talented have a decent chance of completing the journey.

Many attorneys join large firms in order to make enough money to afford a reasonable standard of living for their families, while at the same time repaying their loan obligations. But big firms tend to bring lawyers along the training continuum more slowly, deferring a lawyer's hands-on experience that is necessary for rapid development of legal skills. Public-service law tends to put lawyers on the front lines at the outset. Thus, one year's service as a public defender is likely to provide as much trial experience as 5 or more years in a large firm. This is why aspiring trial lawyers will benefit greatly by having public service as an option.

Public sector loan forgiveness makes law school a more reasonable career move. A law graduate whose debt is manageable can choose a career that fits his or her skills. Advocates who think quickly on their feet and present well in front of juries can still choose law school, despite the fact that they neither have the desire nor the ability to be "billing machines." Minorities traditionally have had fewer opportunities for careers at big firms, and loan forgiveness will make the law a viable career. Assuming a greater percentage of minority lawyers practices in low-income areas where legal services are in great demand, we will be improving the quality of legal services for minorities and other poor Virginians. And a major goal of MDI—making the profession more reflective of the diverse society it serves—will be achieved.

Bringing About Forgiveness

The final issue is what role MDI can play in fostering loan forgiveness. Virginia law schools can be encouraged to follow suit with the national trend and establish forgiveness programs, but the key to these programs is money. The schools must raise enormous amounts of funds to make a difference. Smaller schools without a large endowment will struggle to find the funds to have a meaningful loan forgiveness program. It is hoped that MDI and others can encourage law firms to get involved and provide funds or, ideally, raise enough money to establish an endowment of its own.

The benefits of an effective loan forgiveness program are easy to assess—compare the 50 UVA grads entering public service this

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year with the help of PSLAP to only one W&L graduate in a much smaller program.

Loan forgiveness programs would not only increase minority participation in the law, but also create opportunities for lawyers of all races and areas of interest. We are not kidding ourselves about the enormity of this task, and we know it will take time. To be sure, we could find smaller mountains to climb; but we could find few with greater rewards. 🏔️



A 1991 graduate of UVA Law School, **Julian S. Brown** practiced for four years in the litigation department of McLean's Venable, Baetjer and Howard. He presently oversees marketing and business development at Compliance Inc., a staffing and document production management company in Northern Virginia.