

"Breaking New Ground to Help Habitat for Humanity:
Creating Pro Bono Partnerships Between Law Schools and the Private Bar"

By:

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When I learned that the Real Property Probate and Trust Law Section of the ABA had formed a subcommittee focused on assisting Habitat for Humanity (HFH) I was very enthusiastic about becoming involved in the project. HFH is famous for successfully assisting low and moderate-income individuals to become owners of affordable, decent homes, with the new owners actually participating in the construction of the houses. I looked forward to learning more about the organization and assisting HFH on legal matters within my areas of expertise. It was also gratifying to learn of the large number of attorneys within the Section who were equally committed to performing pro bono work for HFH. Based upon the e-mails posted from time to time on the subcommittee's list serve it appeared that while some volunteers were able to take on legal projects fairly soon after joining the subcommittee, many others remained eager to do so but had not yet been asked by a local HFH affiliate to work on a specific matter.

The purpose of this article is to reach out to those of you who want to use your legal skills to assist HFH and to provide you with a rather bold idea for becoming involved with HFH based upon my experiences over the past three years. Like many of you, I practiced law for many years at a large firm concentrating on commercial real estate transactions, but in 1994 I joined the law faculty at The John Marshall Law School where I have taught Property, Real Estate Transactions (focusing on residential deals) and Commercial Real Estate. As a law professor I strive to nurture within my law students their expressed desire to "do good" and "help others less fortunate" and to assist them in becoming outstanding attorneys committed to using their legal talents to help their communities.

Consequently, when I first became a member of the B-4 Pro Bono Committee (formerly the B-1 Community Responsive Pro Bono Practice Subcommittee) which developed the HFH project, over three years ago, it occurred to me that not only could I provide legal assistance to HFH and its local affiliates, but that I could get my students involved as well. It also occurred to me that it would be great to involve local real estate attorneys in a pro bono partnership with myself and volunteer law students. When Aaron Lewis, an attorney on HFH's legal staff in Americus, Georgia, asked me to review the standard HFH loan forms and related standard acquisition documents for compliance with Illinois law (and to offer other suggested improvements to them), I solicited volunteers from my real estate class. Several students signed onto the project as well as an attorney in private practice with strong expertise in the areas of real estate

law which we would be addressing. The pro bono partnership we established was a great experience for all involved. HFH received useful information and advice, the students received valuable training and felt the pleasure of using their legal skills for the benefit of others, and the attorney and I enjoyed the experience of mentoring and assisting a wonderful client.

The experience went so well that I wanted to find a way to expand upon it by creating a Habitat for Humanity Chapter at The John Marshall Law School. The creation of a law school chapter would provide the students with many more opportunities to serve HFH through not only legal assistance, but also house building, community education and fund raising. A law school chapter would also institutionalize our involvement and motivate more students and future alumni to get involved.

After surveying my students to make sure there was a strong interest in creating a campus chapter of HFH at our law school and obtaining approval of the idea from our dean, I contacted HFH about the idea. The manager for the Midwest Region of HFH's Campus Chapters and Youth Programs provided me with information on campus chapters and the application process to establish one. I worked with two students in completing the application process, which eventually included the preparation of bylaws for our chapter. One challenge with student organizations is continuity. With students' graduations, it is sometimes difficult for the level of enthusiasm for such a project to be maintained or for the knowledge gained to be passed on to new students. Consequently, we decided to provide in our bylaws that our chapter would be open not only to current students, but also to alumni, faculty, staff and the administration at the law school. To ensure the quality of the legal work that was contributed, we drafted the bylaws to provide that all legal assistance provided by the students would be supervised by the faculty advisor or member of the private bar approved by the faculty advisor. We also had to work on internal matters too, such as making sure that we were covered by malpractice insurance.

While we awaited HFH's approval of our campus chapter, we were in contact with two of our local affiliates and learned that one of these affiliates was seeking assistance with several pressing legal issues. First we worked on creating a better standard form of lease. We learned that the local affiliate was building houses more quickly than it could close the transactions for the new homeowners. The closings were being delayed in large part due to title clearance issues or delays in obtaining necessary funding for the closing. As a result, after the houses were completed, HFH had to lease the houses to the prospective purchasers until they could be in a position to close the sale of the properties. We worked with the local affiliate in creating an easier to understand and more comprehensive lease form that would address some of the special issues that arise in the unique context that prospective purchasers are in when they lease from HFH before they close on the purchase. We have assisted the local affiliate in analyzing how to modify certain loan documents and are currently working on clearing

some of the title problems that have prevented several of these closings. In addition to ongoing legal assistance, The John Marshall Law School HFH Chapter has also recently completed its first construction site project for a local affiliate. We are presently in the process of organizing a fundraiser and hope in the near future to develop educational materials on home ownership issues (such as understanding the closing process, obtaining adequate insurance and avoiding predatory loans).

The John Marshall Law School is the fourth law school in the country and the only one in the Midwest to be accepted for a campus chapter of HFH. It would be great to have many more law schools apply for and organize active campus chapters. I hope that our experience at John Marshall inspires you to work to make that happen. If you are engaged in the private practice of law, I urge you to reach out to an area law school to raise the possibility of assisting their faculty in replicating our experience. If you are a law professor, I urge you to consider working with your students and reaching out to the private bar in your community to create an HFH Chapter at your law school and, particularly, to reach out to the private bar members of our Pro Bono Committee in your community. You may locate the HFH Subcommittee members in your area by contacting Carol Ann Martinelli, ABA RPPT B-4 Pro Bono Committee Chairperson, at cmart26@attglobal.net.

If you would like to know more about our experiences at John Marshall or would like some assistance in pursuing this ambitious project please feel free to contact me:

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Together we can 'break new ground' in helping Habitat for Humanity break new ground to build good, affordable homes for families in need.