Legal Career in Public Interest Advocacy

The opportunity to advocate for a more humane and just society—be it in the arena of animal liberation or children’s rights—is the privilege and challenge of those lawyers working in public interest law. Elizabeth Symonds writes from personal experience about the up side (furthering strong principles and beliefs) and the down side (low pay, minimal resources) of pursuing the path of public advocacy. Highlighting the frustrations and the excitement of representing those traditionally unrepresented or underrepresented in our society, Symonds makes a compelling argument for public interest law as a fulfilling career choice.

• Attending a hospital bedside hearing where a judge has been asked to decide whether a cesarean section operation should be performed on a pregnant cancer patient
• Sitting at the counsel table at the U.S. Supreme Court, assisting at a death penalty case hearing
• Appearing on television and radio to address civil liberties topics such as strip searches of employees, drug testing in the workplace, and youth curfews
• Representing small advocacy groups dedicated to protecting consumer interests
• Furthering women’s rights
• Saving the whales
• Representing indigents involved in landlord-tenant disputes or domestic relations cases

These are some of the opportunities and challenges of practicing public interest law. It’s the kind of job that always keeps you busy and has a built-in guarantee that there will never be a dull moment.

Public interest attorneys advocate for individuals and groups who are traditionally unrepresented and underrepresented in our legal system. Since public interest lawyers generally charge little or no fee for their services, their clients are people who otherwise would be unable to afford representation. These might include prisoners, migrant farm workers, children, psychiatric patients, or immigrants. The criminal public defender, paid by the government to represent indigents, represents yet another kind of public interest law.

Other government jobs can be classified in the public interest category. Some divisions within offices of state attorneys general specialize in consumer protection or civil rights law. Many local, state, and federal offices employ attorneys to monitor and implement fair employment and housing laws. The federal government’s Department of Justice has an entire division dedicated to civil rights law.

Public interest jobs can be divided into two distinct categories: “service” and “impact.” Service work is done by attorneys who help individuals with personal problems—indigents facing evictions, mothers on welfare
about to lose their benefits, battered women seeking protection. Impact work involves litigation brought not only on behalf of a particular client, but with a view toward setting legal precedents that will affect many people. This might involve, for example, a case on behalf of an individual psychiatric patient in which a judge issues a broad ruling that psychiatric patients not be forced to submit to certain forms of treatment.

This Is Not a Law Firm

With this initial understanding of what public interest law is all about, we may take a closer look inside the office of a typical public interest lawyer. The day-to-day routine involves interviewing clients, performing legal research, writing briefs, appearing in court, and lobbying Congress and state legislatures—a practice strikingly similar to that of more traditional attorneys. Within the public interest field, job duties may vary, but the primary difference between the public interest attorney and the attorney engaged in a more traditional private practice is that the public interest attorney advocates not only for an individual client, but also to further the goal of a broad legal policy. Activities might include advocating for the rights of children to proper foster care or arguing for a legal precedent that will open doors for women to work in jobs previously closed because of sex discrimination.

Unlike private firms, which sometimes make decisions about the composition of their client base or the type of tasks they will perform based on potential profit, public interest attorneys typically do not select their cases or design their law practices based on financial considerations. Public interest law firms certainly have budgetary constraints (many have chronic financial problems), but they somehow manage to keep their goals in clear sight, rather than viewing their legal work as a means of making a profit.

Funding for public interest firms or groups varies widely. Some receive grants from foundations (in fact, the Ford Foundation initially funded many public interest organizations); others receive government funds. Some are membership organizations with a dues-paying structure. Many employ fund-raising methods, such as direct mail and telemarketing, to add to their financial resources. Court-awarded attorneys’ fees, whereby a judge orders an opponent to pay the prevailing party’s legal fees, are becoming an important source of income to these groups.

The pros and cons of entering this field vary widely, depending on the particular type of public interest office and on the needs and personality of the individual attorney. For many lawyers, public interest work presents an opportunity to get hands-on experience at an early stage in their legal careers. Because many public interest organizations are relatively small, attorneys must perform a variety of tasks—including court appearances—and often take primary responsibility for their own caseloads. This contrasts with the experience of some lawyers in very large private firms, who for the first several years out of law school perform legal research and writing tasks and share responsibilities for cases with other lawyers.

Ups and Downs

The major reason lawyers choose public interest law is the desire to use their legal skills to further a philosophical or political goal. Whether the immediate goal is saving endangered whales, establishing equal employment rights for disabled individuals, preserving a political group’s right of free expression, or winning a damages award for a group of consumers cheated by a large corporation, there is a sense of great satisfaction in knowing that you are actually getting paid to work toward achieving personal political objectives.

The down side of public interest law may be summed up in one word: money. While some public interest groups are well funded, and many government public interest jobs have a strong financial base, most public interest organizations are constantly struggling to stay in the black. This translates into salaries that are less than those of most attorneys who enter private practice. In fact, public interest salaries, even for experienced attorneys, are almost universally lower than starting salaries paid by the nation’s top firms. This can work a hardship on the young lawyer who faces repayment of college and law school loans. Although public interest lawyers may earn less than their law school classmates, their salaries are comparable to those received by professionals in other fields. Public interest salaries are certainly not at the starvation level!

Lack of funding can affect more than staff salaries. Public interest offices run on a relatively restricted budget and are often a little more cluttered and less well furnished than private law firms. And because of a lack of financial resources, public interest lawyers may have less access to legal computer systems, well-stocked law libraries, paralegal and support staff assistance, formal training programs, and litigation expenses (for filing fees, deposition costs, payment to expert witnesses, etc.) than do other private-sector lawyers.
Finding Your Niche

Despite the lower salary scales, finding a legal position in this field is more difficult than in many other areas of legal practice. This is primarily because budget constraints in public interest firms mean that fewer resources can be allocated to hiring attorneys; thus, fewer slots are available. In addition, there are fewer public interest firms and organizations than private law offices.

Also, public interest firms may not be well represented at law school placement offices, due in part to a lesser need to recruit new lawyers or expand their legal staffs and a general lack of funds in the budget for recruiting. This means that students interested in pursuing this field will probably not have the luxury of interviews at their law schools and travel expenses for out-of-town interviews. Students, rather, must use a great deal of initiative in identifying and applying for public interest jobs.

Many law students claim that they would choose a public interest career except for the fact that “there are no public interest jobs available.” Although it may appear that way, especially compared to the hundreds of listings for commercial legal jobs, it simply isn’t true. The jobs are there—it just requires a little more assertiveness and motivation to obtain them.

One way to accomplish this is to try to enter the public interest “network” early in your school career. This can be done even as an undergraduate. Working as an intern in a public defender’s office or an environmental law firm can give you a taste for what the practice is like help you meet people who might be helpful in your job hunt, and show future public interest employers that you have demonstrated a consistent commitment to the field.

This is even more important during law school. If you can get a summer clerkship with a public interest office or do a public interest internship for credit during the school year, this will provide you with invaluable experience for your future job hunt.

Unfortunately, not everyone has the financial resources to take these relatively low-paying types of jobs while they are students. But if you can, or if you can afford to serve as a volunteer with a public interest group, you might think of it as an investment toward a future public interest job.

Law schools are becoming more cognizant of the needs of students who want to enter the public interest field. Several law student and alumni groups have formed law foundations, based at various law schools that are designed to help correct the perpetual funding problems in the field. Students and lawyers in these groups generally work for commercial firms but pledge a small percentage of their salaries to the foundation, which then gives grants to lawyers who want to create public interest projects. The foundation may give grants for summer public interest projects to law students at the particular school.

Other law schools provide fellowships to students who have a proven track record of service in the field and who will probably continue a public interest career after law school. A few schools are starting loan forgiveness programs, in which law graduates who work at public interest jobs repay their student loans at an initially lower rate and, if they remain in the field, eventually have some of the payments excused.

Almost any law school will provide a student with the essential skills needed to become a good public interest attorney. Public interest employers are as interested in good legal research and writing skills and sharp legal analytic ability as are commercial employers. If you are looking for an academic environment particularly hospitable to future public interest lawyers, you might do some research to determine which schools have these types of law foundations, fellowships, and loan forgiveness programs. You also might ask about the school’s placement efforts in the public interest field, possibilities for public interest internships for academic credit, and law school clinic options, which often provide excellent hands-on experience for law students.

Public interest law is a challenging, exciting field, sometimes frustrating, often extraordinarily satisfying. It certainly is not for everyone, but for those seeking to merge legal skills and career choice with their personal principles aimed toward a more humane and just society, public interest law is a fulfilling option within the legal profession.