

CHAPTER ONE

THE PROMISE OF PUBLIC SERVICE WORK

I felt like [my public interest job] was a life raft thrown to me in the ocean while I was drowning. I walked in the door and was handed cases worth millions—which was frightening at first because I had made no decisions at the firm. Here, I'm the one that makes the important decisions on my cases, and I have almost since I came. I feel much more confident of my abilities as a lawyer now.

I was attracted to government work by the personal rewards which come from using one's legal talents for the public good, rather than for personal gain.

I like the feeling that I am protecting the environment.

Lawyers who escape to public interest often exude such excitement. For these attorneys, work has become more than a job; it fulfills their previously ignored or unexplored need to contribute to the greater good. They re-discover a balance between career and personal life. They feel as if their work does more than provide them with a paycheck.

While in the private sector, many attorneys struggle to fulfill their public service aspirations through extracurricular activities. Lawyers who move to the public interest world feel they are finally able to blend their personal values with their professional lives. They talk of finding a new purpose in their work, of being in a position to make a difference: to the public, to their clients, or to a cause. These newly minted public interest attorneys take pride in using their law degrees in the way they envisioned they would when they entered law school.

Working on Issues that Matter to You

Winning a Social Security income case meant doubling someone's income, not from one to two million dollars, like it might in the firm, but from fifty to one hundred percent of the poverty line.

Now I get to wear the white hat most of the time.

In stark contrast to many attorneys in private firms, public interest lawyers take on cases because they believe in the client or the cause, instead of just for money or tactical reasons. If concern arises about an organization's position on a case, attorneys have the freedom to address those concerns internally.

I've never had to advocate a position here that I don't believe in or get myself worked up to argue a case like at the firm.

Public interest lawyers also enjoy the feeling of being “where the action is,” at the cutting edge of the day's big issues. Their work centers on the very topics that fill headlines: mounting major civil rights challenges, lobbying on behalf of low-income families when welfare laws change, fighting for better schools, prosecuting corrupt politicians.

Work that Is Rewarding and Challenging

I have the opportunity to use my creativity and innovation to accomplish something worthwhile. I can apply myself to get results that are rewarding.

Public interest lawyers may hear the criticism that they are “too smart” for the work they do, that the government/legal services attorneys are those who “couldn't cut it” in private practice. Nothing could be further from the truth. Public interest attorneys often break new ground by creating new causes of action or novel ways to use standard claims, by breathing life into statutes with fresh interpretations, and by envisioning original ways to attack problems.

Public interest provides a lot of latitude for creative thinking. We are always thinking about what we can do for others. We have the opportunity to think about big issues and try to do something about them. It's a broad field of play compared to law firms.

Public interest jobs expand beyond traditional lawyering to community organizing, fundraising, and press relations. Often, public interest attorneys find they have to win not only in a court of law but also in the court of public opinion. For people who like the spotlight, opportunities abound to engage in public speaking, press conferences, television and op-ed page debates.

I am a ham, and I get to be a public celebrity in my job.

No More Billable Hours

I like the fact that I can devote time to cases of principle without worrying about billable hours. I love the fact that I do not have to generate new business or woo clients.

In the public interest world, there are far fewer time-keeping requirements. Many escapees enjoy the freedom from monitoring in excruciating detail how they spend their

time. They also appreciate the luxury of allocating time based on a case's needs and merits rather than on a billable goal or limit. Without the pressure to bill hours, a more relaxed work atmosphere can take hold.

More Responsibility

In my present job, the decisions are made from the bottom up. I make the decisions on my cases, and then they may be reviewed. The cases aren't micro-managed like they were at the firm.

Escapees often revel in the newfound independence that comes with working in public interest organizations and government offices. Unlike private firms, public interest organizations do not have the resources to over-staff projects. They rely upon the attorney handling the case to make the necessary decisions. This level of responsibility can be daunting, especially to attorneys who have been trained to run everything past several layers of senior colleagues, but, in time, they come to cherish the sense of control. Even when a team works on a case, decisions are usually made democratically, not dictated by a superior.

Time for a Family and Personal Life

I don't have to stay around the office just because other lawyers are staying, or feel bad if I have to leave for personal reasons in the middle of the day. Everyone has a family.

Although they work hard, attorneys in public interest often find they have more reasonable hours, generally working 9-6:30 with occasional nights and weekends. While some attorneys work comparable hours to their counterparts in private practice, they feel less drained because they are spending those hours on work they enjoy. As one new

public interest litigator describes it, “Even when my hours are horrendous during trials, I put in the time because I want to do it.” Equally important, they find that, outside of court filings and appearances, they can set their own deadlines. This greater control over their workloads enables public interest lawyers to preserve time for a life outside work.

I have chosen a career in the public sector principally because of lifestyle considerations. I did not want to mortgage my productive years in exchange for possible financial riches. I do not subscribe to the notion that the harder you work, the better person you are. I am not wedded to the law, although we do have a comfortable relationship. I have always felt that putting in eight or nine hours a day on knotty legal problems should be sufficient. Working for the government generally allows me to do that. It leaves me sufficient time to accommodate my other interests.

Less pressure also exists in public interest settings to conform to the pace set by others. Attorneys do not stay late at the office simply because a partner hands them a task at the last minute, or worse yet, to keep up the appearance of working harder than everyone else. Whims of clients, partners, or senior associates no longer dictate their workloads.

I have been able to take extended maternity leaves (unpaid) and to work part time, while maintaining an interesting caseload and the respect and support of my colleagues.

Because public interest employers tend to view family and personal life as critical to employee well-being, they generally do not penalize or disparage lawyers for working part-time, leaving early occasionally, or taking a day off to care for a sick child. Some employers allow attorneys to work four-day weeks or set up alternative and flex-time schedules. Other attorneys arrange to work at home part of the time. Particularly for

women attorneys who have primary childcare responsibilities, relatively predictable hours and a lack of significant travel may be critical. One attorney reports that she gave up what was billed as a “part-time” position with a private firm to work full-time for the federal government because she could be more certain that she would have time to spend with her children.

Collegial Work Environment

The sense that they are working toward common and worthy goals, along with the shared need to do more with less, creates a natural camaraderie among public interest lawyers. In addition, because the brass ring of partnership does not loom over attorneys, competition is diminished. With the stress of billable hours requirements removed and with control over their own schedules, lawyers have more time to build good working relationships. The more casual environment of many public interest offices also fosters collegiality.

Public interest lawyers frequently work as part of a team: either as co-counsel on cases or, more informally, as sources of advice and support. Working together on cases or just bouncing ideas off one another, public interest attorneys develop strong bonds. Because many public interest organizations disfavor hierarchy, these bonds extend to supervisors, who often become valued mentors and friends.

I feel like I have a coat of armor in the support of my supervisors.

More Time in Court

Private firm attorneys often complain that years can elapse before they see the inside of a courtroom. In contrast, lawyers in public interest litigation positions gain tremendous hands-on experience rapidly. Even fairly junior attorneys handle their own

caseloads quickly in the public interest world. Often, they have sole responsibility for a case, from start to finish. Even while working as co-counsel with more experienced lawyers, young public interest lawyers appear in the courtroom, starting with simpler matters such as motions, but soon assuming responsibility for more significant court appearances.

Young public interest lawyers usually enjoy more direct relationships with their clients than their colleagues in the private sector, where partners make much of the contact with clients. Tedious civil discovery absorbs much less time, while time in the courtroom is greater.

I hated moot court, but I love trial work. It's done wonders for my personality—I used to be reserved. It's an equal playing field. By the end of trials, older male attorneys no longer underestimate me. It is great to see shock on their faces when they realize they've been outmaneuvered.

Tempered By Reality: The Perils of Public Interest Work

The many pluses of public interest work should be encouraging to any firm attorney who has despaired that he or she will never find happiness, or even job satisfaction, in the law. But, like any career, public interest work is fraught with its own particular problems and challenges. An educated choice to escape private firm practice should include accepting the downsides that come with any new job. Only by weighing a public interest position's pros and cons will you be able to make a lasting and fulfilling career decision.

Governmental Red Tape

Dealing with a giant bureaucracy drives me crazy.

Lawyers working for the government can be heard to complain about the “huge bureaucracy” encountered in their work. One attorney reports that “rules have to be followed even if they don’t make sense in a particular situation, and the paperwork is frustrating.” Another laments that the “six layers of review to get approval” in the federal government discourages innovation.

Bureaucracy is inefficient, unproductive, and can stifle creativity, although with chutzpah you can get away with a great deal in spite of the system.

Most lawyers find ways to work around the system, however. Attorneys who are flexible and able to negotiate can move through the red tape. An attorney may take the initiative to propose a streamlined approval process, or work to gain a supervisor’s trust and respect so that he or she will be comfortable loosening the bureaucratic reins. The recent trend of efficiency improvements at all levels of government has encouraged employees to experiment with their own ideas for serving the public more effectively.

The Role of Politics

I sometimes resent the way issues are decided politically rather than as a matter of law.

Political and funding pressures sometimes force compromises and prevent lawyers in government from pursuing the ideal course of action. In addition, elections can have wide-ranging effects even on public interest lawyers who do not hold elected positions themselves. One state government lawyer notes that the civil service in his state does not protect high-level jobs. When a new Attorney General won election, many of his colleagues did not survive the transition. Even if a change in leadership does not threaten

a particular job, the attorney may find that her new bosses have priorities and political philosophies that differ from what she expected when she came on board.

Considerable variation exists among government jobs, however, in how much politics influences them. Working on Capitol Hill or as a political appointee's personal aide, one's work life is tremendously affected, if not consumed, by politics. Attorneys in these overtly political jobs know they may find themselves with less power, or out of a job, after the next election. By contrast, as a line attorney in a prosecutor's office or in an agency's counsel's office, one's day-to-day work life—as well as job security—may be surprisingly free of politics. Whether political considerations are a defining force or just an occasional intrusion in their jobs, most government attorneys seem to accept that, as one lawyer put it, “they come with the territory.”

Burnout

The need is so much greater than what we can provide.

Some attorneys tire of their particular practice areas, become frustrated with litigation, or get fed up with difficult clients. Others grow disillusioned and bitter because they lack resources to help particularly needy clients. Still others become disappointed when they find that the victories they thought they had won have been eliminated or undermined by a new law or court ruling.

Pressure to crank out routine cases instead of focusing on more difficult, time-consuming, and important cases often frustrates legal services attorneys, prosecutors, and public defenders. Budget cutbacks at many government agencies, legal services offices, and non-profit organizations have only added to the strain. For these attorneys, renewal often lies in a change to a new practice setting, perhaps one with a different pace or different set of challenges.

Not Enough Money

Of course, the “down” side of a government job is the pay, although there have been improvements in the past few years. My husband’s job has become our primary means of support, giving me the luxury of trading income for more interesting work and more flexible hours.

Lawyers in the public sector will never match the salaries they could have made as partners in large law firms. Most public interest lawyers accept a less extravagant lifestyle as the price tag for work they enjoy. But for some, the pressure to earn more money grows unbearable as children enter college, housing payments increase, or unexpected family circumstances, such as illness, arise. These pressures ultimately may mean leaving a well-loved public interest job to go back to a firm.

After I left the firm and while I was a legal services attorney, my husband and I decided to have a family. We worked out how we could both stay in our jobs, which we loved, and share raising our child. My husband, a teacher, could work part-time, and my job was quite flexible about scheduling. When I had been at legal services about two years, we had a daughter, born with a disability. She’s a wonderful little girl. We wouldn’t change a hair on her head. But, it meant I had to leave legal services because we needed more money. We decided that I had a greater ability than my husband did to change jobs and support the whole family, so that he could stay at home and work with our daughter. About four years ago I left legal services for a job with a medium-size law firm that prides itself on its reputation for doing pro bono work.

Rejoining the private practice world may not be as easy as entering the first time. Law firms, particularly large corporate firms, sometimes look askance at attorneys who

The Great Firm Escape: Harvard Law School's Guide to Breaking Out of Private Practice and Into Public Service

have strayed from the traditional career path. Some will question your commitment to private practice and whether you will leave again for public interest law. As a result, you may need to look at smaller, more entrepreneurial firms who recognize and appreciate the skills you have gained from your public interest experience.

Lack of Supervision and Training

No one knows the quality of your work—there’s no editing or review, and little supervision.

Some lawyers lament the lack of training in their public interest jobs, as well as the lack of supervision over their work. Overwhelmed and understaffed government and public interest offices sometimes cannot afford the time or money to train their attorneys. Supervising attorneys are often too busy with their own caseloads to monitor new staff members closely. As one public interest attorney put it, “No one criticizes your work, but no one provides guidance either.” For some, the lack of training and resources can hamper their transition into a new work place. However, most new public interest attorneys find that a system of informal supervision and mentoring helps them to learn the ropes. Before you accept a public interest job, pay close attention to the training, supervision, and resources that the office has, and determine the minimum you need to function successfully.

Spartan Lawyering

I went from a law firm where my pencils were sharpened for me to a DA’s office that didn’t have enough postage stamps to mail subpoenas regularly.

Gone are the all-night word processing pools, private secretaries, extensive libraries, support staff, and litigation resources. Public interest attorneys must do their

own copying and word processing, and may have to plead for access to university law libraries because of insufficient resources. Many public interest work places cannot afford access to on-line research tools.

It feels like David and Goliath. Our side is always outspent and always under the gun from large law firm opposition. We don't have the same resources as a large firm representing rich clients.

Gone as well are the perks, free dinners, cab fares home at two a.m., expensive holiday parties, office retreats, and annual gifts. In contrast, public interest attorneys get little or nothing in the way of meal allowances, and holiday parties often mean potluck. In addition, attorneys used to plush, quiet private offices may find themselves in crowded quarters with hand-me-down furnishings. Public interest attorneys must learn to live without creature comforts.

Getting “Promoted Out” into Administrative Jobs

I used to do litigation. Since becoming General Counsel, I do virtually no litigation. While I miss it, I try to compensate by being argumentative with my co-workers, my family, and my few remaining friends.

In private practice, moving up generally means more than a higher salary and a corner office, it means more autonomy over your caseload and more interesting, challenging work. In some government and public interest organizations, however, the opposite can happen. As attorneys gain seniority in the office and demonstrate their talents, they climb into administrative or managerial jobs that take them away from the “front lines” of public service lawyering. Such jobs carry status, prestige, and even relatively high salaries, but they also carry costs— more time needed for administrative

tasks, case management, and funding issues, and less time to represent clients. This move into administration grants attorneys greater supervision over staff and a better niche in the hierarchy, but some attorneys miss the fast pace and camaraderie of representing clients and arguing cases in court.

Before you take a public interest job, consider the opportunities for promotion, and how such a promotion would fit with your own interests and temperament. Bear in mind that lawyers choose to move into administration; many highly experienced public interest attorneys elect to stay in the trenches instead of moving up. Other public interest lawyers opt, in time, to move to different organizations altogether in order to find positions that combine the kind of lawyering they like to do with the advancement they seek.

The Big Picture: The Overall Satisfaction Achieved

Despite less pay and less luxurious work conditions, escapees value the overall sense of satisfaction that switching to public interest work has brought to their lives. They find that the opportunities to take on significant responsibility and to work on issues they care about, as well as a more predictable work schedule, contrast starkly with the long hours filled with mundane tasks they experienced at their firms. Having moved to public interest law in search of more meaningful work and a chance at preserving time for a personal life, they delight in discovering that their expectations have not only been met, but surpassed:

I share the secret of those of us who love our public sector jobs: we are proud to hold these jobs and, on many (if not all) days, these are jobs that we would pay to have.

I look forward to going to work each morning, and I am very proud of what I have been able to accomplish. Who could ask for more?

After a couple of years at two law firms, I became totally disillusioned with my career and frustrated with my inability to help others. Since switching gears, I am a satisfied and fulfilled attorney who enjoys advocating for those who cannot help themselves. I truly love my job and can envision working here forever—a statement that few attorneys in the private sector can make.