



**University of Virginia
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HOW TO GET A JOB IN LEGAL SERVICES

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University of Virginia School of Law
580 Massie Road, Charlottesville, VA 22903
434-924-3883/434-924-3945 (FAX)/psc@law.virginia.edu

PREFACE

This manual is designed to help students decide if a career in legal services is right for them. In addition, tips for successfully applying for a job in a legal services are offered. Students should also consult the manuals on resume writing and interviewing published by the Public Service Center for more in-depth information regarding these topics. In preparation for writing this manual, the author interviewed several UVA law graduates currently working in legal services. Those interviewed work both in small offices in more rural locations and in a large office in an urban setting. Several of those interviewed have been in legal services for over 20 years and others are relatively new hires. I would like to thank all of these dedicated attorneys who are the ones who do the work of representing the indigent on a daily basis. This publication would not have been possible without their honest reflections and insights.

About the Author

Kimberly Emery '91 is the Assistant Dean for Public Service and the Director of the Pro Bono Project. She is a member of the board of the Charlottesville-Albemarle Legal Aid Society, which named her Volunteer of the Year in 2000. During law school, Emery was an intern at the Legal Aid Society.

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Introduction

Helplessness does not stem from the absence of theoretical rights. It can stem from an inability to assert real rights. The tenants of slums, and public housing projects, the purchasers from disreputable finance companies, the minority group member who is discriminated against—all these may have legal rights which—if we are candid—remain in the limbo of the law.

Robert F. Kennedy-UVA Law 1951

If you want to represent some of the 40 million poor people in this country who have unmet legal needs, consider becoming a legal services attorney. “Legal services” typically refers to the approximately 300 local offices across the country that receive federal funds through the Legal Service Corporation (LSC) to represent indigent clients in civil cases. Some legal services attorneys work for offices and/or programs that do not receive federal funding, but these attorneys tend to specialize in the representation of a specific group, such as migrant farm workers or prisoners, or in law reform and impact litigation. Regardless of the type of program they work for, all legal services lawyers spend most of their time representing indigent clients with civil legal needs such as consumer, public benefits, housing, or domestic relations. For example, a legal services lawyer might represent a client whose Medicaid has been terminated, leaving them unable to purchase necessary medications; represent a woman who has been physically abused by her spouse and who wants to gain custody of her children; or represent a group of tenants who were unfairly evicted by a landlord who had failed to make necessary repairs to a rent-subsidized apartment.

Legal services attorneys are in court on a regular basis, although they may have only two or three jury trials annually. Working in a legal services office also means that you will spend a lot of time talking with clients and learning about the problems of poor people. An important skill for all legal services attorneys to possess is the ability to feel comfortable with a wide variety of people from a range of different ethnic and socio-economic backgrounds.

To better understand the nature of legal services and the political context in which such lawyers work, it is useful to review the development of the federally funded legal services program in the United States.

Brief History of Legal Services

For approximately 100 years, from just after the Civil War until the mid-1960's, legal services to the poor were provided by pro bono attorneys and private legal aid organizations that existed in various cities and larger communities across the country. Prior to the creation of a federally-funded legal services program, no national program existed to provide civil legal services to the indigent. In 1964, as part of the “War on Poverty”, Congress created the Office of Economic Opportunity (OEO). One mission of the OEO was to develop and administer a national program of legal services for the poor. The OEO-Legal Services Program (LSP) provided training and support to legal services attorneys. By the late 1970s, legal services attorneys, many of whom were now devoting a significant part their practice to a concerted law reform effort, had forced the courts and federal, state, and local governmental entities to establish a new body of statutory and common

law which recognized the rights of the nation's poorest citizens. For example, poor clients now had advocates who could enforce their rights to receive public benefits such as Medicaid, Social Security, food stamps, and disability benefits, to lobby on their behalf for welfare reform and other poverty reduction programs, and to bring class action lawsuits against recalcitrant governmental officials. The 1970s are regarded as the "glory" days of legal services—a time of well-funded programs, renewed energy, and innovated advocacy coupled with favorable court rulings, particularly at the federal level. Legal services programs around the country expanded, hired new staff, and made law reform and lobbying governmental entities a top priority. Legal services lawyers, unlike their legal aid counterparts of the past who had focused exclusively on representing the discrete needs of individual clients, began to use their legal skills as a tool for social change with the ultimate goal of eliminating poverty.

Almost immediately, this new emphasis on law reform and suits against federal, state, and local governmental entities came under attack. Political foes of the OEO and legal services worked tirelessly to defund and dismantle both. In 1974, the Legal Services Corporation (LSC) was created to serve as the federal funding source for local legal services programs, replacing the politically crippled OEO. By moving legal services out of the executive branch it was hoped that the program would be less vulnerable to political attack. However, by the early 1980s, conservatives sought to terminate federal funding of the legal services program and, unsuccessful in that regard, to severely restrict the work that legal services attorneys could do. Legal services attorneys were forced to deal with the realities of federal funding cuts, hostile courts, and burdensome restrictions on their advocacy. These federal restrictions included prohibitions on representation of aliens, involvement in cases regarding abortion or desegregation, or cases that were potentially "fee generating." Although funding levels eventually stabilized, political attacks continued until 1996, when foes of the LSC succeeded in getting Congress to approve a new set of crippling restrictions which were coupled with a drastic cut in federal funding (\$400 million to \$278 million). Many local legal services offices were closed and a number of attorneys were laid off. The 1996 restrictions prohibit legal services attorneys from engaging in class actions (legal services lawyers were actually forced to withdraw from more than 600 class actions they were involved with nationwide), lobbying, claiming attorney fees, challenging any welfare reform legislation, or representing prisoners and aliens. In essence, legal services attorneys who work for programs which receive monies from the LSC are no longer able to provide their clients with more than the most routine type of representation. Their roles as law reformers and activists have been severely curtailed.

Is Legal Services the Right Choice for You?

It is a very rewarding way to make a living; serving disadvantaged folks to try to give them a shot at being treated more fairly and decently by the many people and institutions with whom they have no choice but to interact. My experience is that I receive much more than I give in my work. (20 -year veteran of legal services)

1. Do you want lots of client contact and litigation experience?

Legal services work, even in those programs subject to the federal restrictions, offers early responsibility and the opportunity for lots of litigation experience. The work also mandates frequent and sometimes seemingly constant client contact. Consider whether you want a job that requires you to interact

with a variety of different types of people on a daily basis or, as one law graduate who has worked in legal services for over a decade put it, “how to REALLY enjoy working daily with ALL kinds of people.” The potential upside of all this client contact, as another legal services attorney explained, is that you are never going to be bored since the clients have very interesting and weird stories which are far more strange, varied, and involved than private clients who are just arguing over money. Be careful, though, about thinking that you should become a legal services attorney because you want to “rescue” your clients. A legal services attorney interviewed for this publication said, “I would caution people drawn to legal aid work not to be overly paternalistic or view themselves as rescuers of hopeless people. Our clients are by definition poor and have more limited choices than those with privilege, but they are fully human, fully deserving of respect, and fully entitled to be treated like responsible adults. We need to find a way to apply our skills and tools to help even the playing field as much as possible and to provide top quality services, but we need to do so without diminishing our clients by promoting dependency.”

You should also be prepared to accept early responsibility for your own clients and cases. New legal services attorneys are frequently handling their own caseloads and appearing in court within a couple of weeks of starting their jobs. Legal services work provides an excellent opportunity to be given responsibilities quickly and to get a great deal of litigation experience. However, caseloads can be large, often between 50-70 open cases at any one time, which means that organizational skills are critical. If you are the type of person who loves to work on one project at a time, to focus, and to make it all come out perfectly, legal services work may not be for you.

2. Do you have a strong sense of self and a real desire to help the underdog?

As a legal services attorney, you must be prepared to face the ego-crushing perception held by members of the bar, and even the general public, that because you represent poor clients, you are a less competent attorney. The work of a legal services lawyer is rarely perceived as either glamorous or challenging, and many times your clients will be stereotyped as cheats, drug abusers, or deadbeats. You need to feel confident in your choice and to get gratification from your daily work representing those who would otherwise go unrepresented. In addition to the attacks on your clients and your work, you must be able to accept and to live with a low salary, as positions in legal services are some of the lowest paid in the legal profession. If you have significant educational debt, you should seek a program that offers a loan assistance plan, is located outside of a major city so the cost of living is lower, and which is willing to serve as a sponsor for a public service fellowship such as a Skadden or a NAPIL Equal Justice. Most offices also try to compensate their attorneys in non-monetary ways, such as with generous benefits or leave policies and with a strong sense of interoffice cooperation and esprit de corps. In addition, you will never be a slave to the billable hour or feel that your professional worth is evaluated solely by your ability to generate a profit for the senior partners.

Legal Services Programs Are Different— Finding the Right Office for You

Since 1996 when the federal restrictions limiting the type of advocacy that legal services attorneys could engage in were passed, choosing the right office has become more critical. Legal services attorneys who work

for an LSC-funded program must be prepared, on a daily basis, to deal with a maze of bureaucratic restrictions on their work. Many attorneys who have left legal services have done so because they feel that their ability to comprehensively and appropriately represent their clients has been compromised by regulations and restrictions. For experienced legal services attorneys it can be difficult, even impossible, to find satisfying and challenging work with a federally funded program. However, for those just graduating from law school who want to have client contact and handle a large number of cases to gain litigation experience, a restricted program can still be a good place to start.

The two main types of legal services programs today are those that focus on providing services to individual clients and those that focus on impact litigation or law reform cases which will affect the lives of a large number of individuals by making changes in existing laws. Legal services programs will never have the resources necessary to help everyone who qualifies, so there will always be a tension between impact work (addressing problems systemically) and individual case work, as well as between helping a large number of clients a little or helping fewer clients a lot. When choosing the program you will work for, try to assess how these competing interests are balanced. As one legal services veteran so aptly put it, “Will there be great pressures to churn out numbers even at the expense of not doing much for each case coming through? Will your work be scooping up 100 drowning individuals as they come down the river, or has the office made a commitment to go upstream and try to figure out who/what/how/why these folks are being thrown into the river in the first place?” If being in a law reform-oriented office is important to you, find out how much emphasis the office places on litigation by asking to see the pleadings in the last couple of federal cases that the program has filed and speak with the staff about their experience with class actions and policy reform.

Legal services offices are located throughout the country, however the offices that do a significant amount of impact work are often, but not always, located in urban areas. In general, the cost of living is higher in urban areas, but the offices tend to be larger, which means that the training and mentoring programs may be more comprehensive. Issues faced by clients can vary by geographic area as well. Some programs have a large number of non-English speaking clients; others have large Native American, elderly, or disabled client populations. Clients in a rural area may have issues of transportation and lack of access to jobs and social services, while clients in urban areas may face a high cost of living and a lack of affordable child care and housing. Think about where you would like to live, but also about what type of clients you want to represent.

Other important issues to consider when choosing an office include training, supervision, support resources, quality of work product, and opportunities for professional growth. If at all possible try to volunteer or intern at the office so that you can gain the insider perspective. Spend time talking with the staff and try to discern how excited and energized they are about their work. Meet with both clients and other lawyers in the community to find out how the work of the program is externally perceived. Other important issues include: the frequency of attorney turn-over; the number of experienced attorneys; the technological and support staff resources; the commitment of the Executive Director and/or Managing Attorney to the professional growth of their staff; and the type of training programs available to new hires. Ask about the opportunity to attend CLE programs and other presentations. Find out how frequently you will receive feed back from your supervisor and how often he or she will observe you in court. Given the limited resources available, attorney workload is also an issue—are program staff attorneys assigned a reasonable caseload or are they expected to handle every case that comes through the door. Finally, be wary of programs and attorneys who seem to equate low pay

with a low quality of legal work and client service. For the most part, legal services attorneys are extremely dedicated professionals who care about their clients, but burned out and lazy attorneys do exist.

Landing the Job: Developing Your Resume and Interviewing

Legal services attorneys who are involved in the hiring process stress that the most important thing that they look for in applicants is a strong commitment to public interest work and to addressing the needs of the poor. While grades are considered, and good grades won't hurt, your class rank is not the determinative factor. Students considering legal services work should try to spend at least one summer volunteering with a legal services program. If that is not possible, get some clinical and pro bono experience so that you can demonstrate your public service commitment as well as speak intelligently about your desire to represent indigent clients. A law graduate who is involved with hiring for a large, urban program believes that applicants who have not demonstrated an interest through summer internships and/or law school clinics, regardless of their academic brilliance, will have a tough time convincing a hiring committee that they are really committed to do the work and prepared to stay with the program for a reasonable length of time. In general, he advises, take all the clinical courses you can find, work with student legal aid and prisoner's assistance groups, defend students at honor trials, and be able to explain how much and why you enjoyed doing these things. Exposure to representing poor clients while in law school can also allow you to begin to develop a particular area of interest and expertise in the field of poverty law. Applicants who speak another language have a significant advantage in the hiring process. Languages in particular demand include: Spanish, Chinese, Creole, and Russian.

Although you want to be sure that your resume emphasizes your concern for low income clients and your willingness to fight for the underdog, you don't want to go overboard. Avoid sappy declarations in your cover letter about making the world a better place to live. Emphasize interests, hobbies, and life experiences that make you unique, interesting, and good office mate material. Legal services offices can be small, often just 2-4 attorneys, so hiring committees seek new hires who are independent, resourceful, and easy to get along with. Despite the low pay, programs located in major urban areas, such as New York City, Washington, DC, and San Francisco, can be extremely competitive so consider your willingness and ability to relocate to a more rural locale.

When interviewing, be courteous and respectful to everyone in the office. It is not unusual for the hiring committee to solicit input from all staff members before offering an applicant a position. It is important to be able to clearly articulate the reasons you want to work in legal services and to represent poor clients. As one veteran of legal services said, "We think it is wonderful that you worked at a museum and for the World Wildlife Fund, but we aren't sure what those experiences have to do with what we do here. If you can tell us what you did to improve poor children's access to the arts or the joys of the outdoors, we will be much more impressed. If your work was with a "momless" shelter, you've got one foot in our door. If you tell us how that work made you want to become a lawyer, you've got both feet in." Legal services attorneys are called to live by their wits on a daily basis and to find solutions to client problems that have no obvious resolution, so talk about those activities and experiences that forced you to be creative and resourceful, such as advising a particularly difficult client in a clinic or finding an after school program for your Little Sister. When it is your turn

to ask questions, ask about issues such as training, supervision, caseload, the balance between individual client services and impact work, and level of attorney satisfaction. It is also not inappropriate to ask those conducting the interview why they chose legal services work, what they find most rewarding about their choice and what they find the most frustrating. Finally, do not assume that office dress is casual, wear business attire to the interview, but leave the expensive jewelry and accessories at home.

Conclusion

If you feel called to help those in need and if you want early responsibility and lots of client contact, legal services is for you. Despite the low pay and the stress that comes from dealing with individuals in crisis, most legal services attorneys find their work to be enormously satisfying. Especially inspirational to many legal services attorneys is the strength and resourcefulness of their clients—many of whom, despite tremendous adversity, continually rise up to fight and to face another day. Approximately 80% of the civil legal needs of the indigent are never met; a career in legal services offers the opportunity to focus your energies on solving the problems of poor people and insuring access to justice. What greater professional fulfillment could there be?