



Is Public Interest Law for You?

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There is a lot to consider before you make the leap. Wanting to help those less fortunate is noble. All religions believe this, and secular society concurs. However, you will be relatively meagerly compensated for your efforts. Many lawyers do pro bono work as a way to give to charity, but their main focus at work is to bill paying clients so that they can make high salaries. While these lawyers are helping a cause occasionally, they are hardly devoting themselves full time to public interest law, and the focus of this article is on those of you who may wish to do so.

Your decision of whether or not to make public interest law a career probably hinges on more than money. Perhaps you already live a toned-down lifestyle. Maybe you've inherited a guaranteed income. Either way, you can leave money out of the equation and concentrate on just what it is you wish to do and where and how you wish to do it. Let's begin with where you might practice.

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Do legal jobs with local or federal government qualify as public interest jobs?

No, they don't. Generally, a government lawyer's job is to enforce current laws, whereas a public interest lawyer may seek to change these laws or work in areas not covered by them. For example, Ralph Nader, on his own, accused General Motors of knowingly producing unsafe automobiles because he felt that existing law and federal oversight did not satisfactorily address automotive-safety issues.

Legal jobs do exist in government in which lawyers examine the fairness of legislation and its application and seek to root out inequities. For example, a lawyer working for a state or federal department of civil rights might reasonably qualify as a practicing public interest lawyer. But even a civil rights lawyer paid by the government must back off if told to by superiors. Public interest law, by its nature and in an ideal sense, implies that the lawyer is beholden to his or her conscience and not to any specific temporal authority.

Does the term "public interest law" imply legal work performed for a charitable organization or trust?

Generally speaking, yes, this is closer to the mark, although again there are exceptions. Public interest law also applies to the individual lawyer who personally takes on client or cause without pay because of the conviction that an individual or class of individual is not being given the protection entitled under current law or under its presumed spirit. This loose definition does not mean to imply that public interest lawyers are not paid a small salary or paid costs for their time and effort, only that the lawyer's and the charity's effort is not financially driven, but is instead fueled by altruistic personal conviction and the satisfaction gained from helping right a perceived wrong.



Is public interest law countercultural?

Yes, in a limited definitional sense, public interest law is countercultural because it frequently attacks the assumptions and myths upon which all cultures are based. Cultures are formed based on generalized shared conditions and perceptions. American culture, as an example, was first shaped by its original settlers' belief that they had been, in their lands of origin, persecuted for their non-normative religious beliefs. For this reason, religious tolerance quickly became important to original settlers and part of American foundational myth (Land of the Free). The fact that, to the contrary, virulent religious and racial discrimination contradicted this myth is immaterial. The culture developed a belief which became codified into myth and into law. It is into the space between utopian myth and reality that the public interest lawyer steps in. What comes first is the utopian sense of a perfect society as reflected in a culture's myths. Next comes the realization that such utopian, mythic ideals are not realized in practice. Only then comes the effort to fix the dissonance between the ideal and the real.

Does someone have to be a Marxist to be a public interest lawyer?

No, although lawyers attracted to a Marxist rationale of a world simplistically divided between the powerful (exploiters) and the powerless (exploited) will find such a vision useful in rooting out instances when the powerful exploit the meek. However, it should be noted that not all utopian visions are Marxist.

Marx in the 19th Century and much of the writing of Foucault, Barthes, Lyotard and other critical theorists in the 20th Century envisioned a utopian state of equality among all citizens guaranteed by a central authority. This central authority, in turn, was not viewed as dictatorial or autocratic: Instead, it reflected a Hegelian conception of each individual as a part of the whole and the whole as part of each individual. This belief, subsequently borrowed by Marxists, envisioned ideal human societies as beehives without queens. As we now know from 50 years of Marxist trial and error in Russia, China, Poland, and other societies, Marxism produced no utopia. It failed the test both economically and ethically. In fact, those of the American political Left still holding Marxist views in America are now seen by the intellectual mainstream as ideologically irrelevant casualties of an earlier intellectual fad. But one should not so cavalierly dismiss Marxism as irrelevant. Like Christianity, and like the secular myth of America as the land of the free, Marxist thought emphasizes the betterment and happiness of all society, and in this sense, as opposed to its heavy tendency to demonize Capitalism and those who practice it as evil exploiters of goods and services, it does provide secular justification for singling out specific aspects of human society for fixing, so in this sense it remains relevant.

In addition to the myth of religious tolerance, capitalism is also a strong contributor to foundational American myth.

Capitalism is built on the ideal of the perfect marketplace open to ideas from anywhere. (Land of Opportunity) In this perfect marketplace, a Thomas Edison, Henry Ford, Alexander Graham Bell, Wilber Wright, or Steve Jobs can start out humble and poor and become rich. The ideal, of course, is contradicted by certain practices in which individuals dominate markets, eliminate competitors, cheat, lie, and steal. In this gap between ideal and real, public interest lawyers also have had a powerful influence, spawning antitrust legislation, fair labor practices, and similar legislation to correct perceived wrongs.



Public interest lawyers work both sides of abortion and the death penalty issues.

The perception of most public interest lawyers is that they are found only on the political left of issues, which may be true as a generality, but is not necessarily always true in practice. For example, both anti-abortion and pro-abortion public interest lawyers are guided by utopian principles by which they believe societies should operate. Pro-abortion lawyers argue for the right of the individual to control what goes on inside her body even if it means killing a protean self within. Anti-abortion lawyers argue that killing is murder, period. Some public interest lawyers argue against the death penalty because they believe killing is morally wrong, and others argue that it is the duty of society to rid itself of those who take innocent lives. Regardless of whichever side a public interest lawyer takes, it is obvious that she or he is guided by a specific vision of a perfect society along with an interior discourse that affirms this vision and denies the validity of other, competing visions.

So why is it necessary to be “underpaid” if you are a public interest lawyer?

Quite simply, the organizations that employ public interest lawyers don't have money to pay big salaries. That's explanation enough. Then there is public perception and expectation. If lawyers make a lot of money helping the unfortunate, it is presumed that they are profiting off of the meek and disenfranchised. Finally, there is the Protestant Ethic to consider. It believes that the unnecessary calling of attention to one's self offends God (who presumably should be getting all the attention). Christ, in particular, and the Jesuits who followed him took vows of poverty so as to remain close to the people they served. Mormons and Muslims tithe a percentage of their annual earnings as alms for the unfortunate. Thus, even if a public interest lawyer found a way to make money by helping those who cannot pay, the likelihood is that the lawyer would not take the money, at least not openly. To conclude, lack of money, cultural expectation, and religious orthodoxy conspire against public interest lawyers' ever making money. Ergo, if you choose this type of law, expect to make considerably less than lawyers practicing other types of law.

Let's consider the public image of public interest lawyers briefly.

They can be viewed as selfless almost Christ-like figures who toil on behalf of society's downtrodden—the homeless, the abused, and other powerless individuals potentially scorned and abused by a society's more heartless and unscrupulous individuals and organizations. They can also be viewed as individuals who identify with the powerless to enhance, by comparison, their own senses of power—counterculture lawyers become Christ throwing the money changers out of the temple. Public interest lawyers can legally attack hated authority figures and their organizations as stalking horses for personal or family authority figures they feel abused them. It really makes no difference why public interest lawyers do what they do. How they justify their choices of work is their business. The fact is that despite zealots among them, the majority do a lot of good and most of the time our society is better off because of them.

For purposes of this article, the perceptions a public interest lawyer generates depends on the type of public interest law he or she practices.

Defending the planned or unplanned extinction of the spotted owl against heavily financed lumber interests is perceived differently (not necessarily wrongly or rightly) from another public interest lawyer working to represent and protect abused women and children in homeless shelters. The aim



is the same—the elimination of a perceived wrong—but the justness or unjustness of the spotted owl cause often hinges on how one prioritizes society's needs and how these needs are viewed. To defend the spotted owl means attacking capitalist interests which destroy nature to fatten their own pockets. The fact that the wood produced is used to house people and keep them dry and warm becomes irrelevant. Again, as we have already said, being a public interest lawyer is all about perception and about identifying the villain caught in the crosshairs of a public interest lawyer's particular utopian vision.

Is there such a thing as a common cause?

Laypeople might answer, "Sure. One common cause is to eliminate poverty." Exceptional optimists might add, "And we must also eliminate unhappiness for everyone in all its forms." Lawyers, being for the most part pragmatic and analytical, remain eternally suspicious of all such generalities and simplifications. A lawyer might respond, "It depends." Lawyers know that creating justice for one group can mean the creation of injustice for another group. Public interest lawyers may remain tangentially aware of this, but cannot allow themselves too much relativist thinking. They must instead remain focused on their ideological views and their utopian goals. Otherwise, self-doubt sets in, and the public interest lawyer's career becomes problematical as well.

How to know if you are cut out to be a public interest lawyer:

Again, it is both dangerous and foolish to make generalities, but we shall do so. Here are seven key questions you need to answer:

1. Is money important to your sense of well-being and self esteem?
2. Are you uncomfortable working in structured environments?
3. Are you ideologically committed to a modest lifestyle?
4. Are you possessed with a strong streak of idealism?
5. Do you come from a strong religious background?
6. Do you view public interest law not as a profession but as a calling?
7. Does the existence of elitism of all kinds anger you?

These questions, viewed at a distance, describe someone in a society, but necessarily in comfortable alignment with it. Perhaps none of us buys all the cultural myths that seem to guide so many others' actions, nor do we allow such myths to unduly affect our judgments. Regardless, if you answered yes to three or more of the above questions, you might give serious consideration to public interest law. So the next question becomes how do you go about finding a job.

First you must identify a cause.

You must feel strongly about it and have thought enough about it to answer all your doubts. Usually, the cause will announce itself to you. This is what is meant by having a calling. The satisfaction you get is responding to a need, and this need comes from within. Stay focused. Choose your cause well, and you will produce within yourself a harmony of belief merged with action that most lawyers and most other citizens seldom, if ever, attain.



Next you must find out who is hiring.

Check the local and national legal newspapers and magazines. Look in the Yellow Pages under Charities. Talk to religious groups and fraternal orders. Visit law schools and inquire there. Attend career fairs such as the annual Equal Justice Works Career Fair and Conference. On the Internet, check under Public Interest Law. Once you have investigated the listings there, follow through on email links to other public interest web pages. Most public interest jobs are not high profile, meaning they are not always advertised and there isn't always a lot written about them.

What happens if my project must be abandoned because the money runs out?

If, after your initial foray into public interest law, you have decided to stay in the field, always proceed with the knowledge your work could be terminated through no fault of your own. Keep lists of organizations and individuals and possible projects that might interest you down the line.

Look to see if there is grant money available.

A lot of public interest work is subsidized by corporations, religious groups, and wealthy individuals. The Stanford Public Interest Law Foundation (SPILF), as but one example, offers public interest law project grants covering legal services for pregnant teenagers, housing discrimination, battered women, women prisoners, immigrant and refugee rights, children needing special education, and a wide variety of other causes. If you see a problem that needs fixing and nobody is addressing it, you can apply to SPILF and other public interest foundations by filling out a proposal and launching your own cause.

Conclusion.

If, after reading this far, you are more convinced than ever that you want to be a public interest lawyer, then go to it. You will need perseverance. You will need grit. It will not be an easy road. But you will have the satisfaction of contributing to a higher good. Hopefully, your society will not only pay attention to what you have to say, it will agree, and better yet, take positive action. In this way, you will be providing a service not just for the short term, but possibly for generations yet unborn.

Questions about public interest attorney jobs? Contact Legal Authority at 800-283-3860 today.