



## Public Interest Practice—The Ins, the Outs, and the Methods

I

The term “public interest law” is often used to refer to legal areas that focus on and affect public interest issues. Public interest practice includes those organizations representing the public either as attorneys for governmental units or as attorneys for nonprofit organizations. This is a diverse sector of the legal services market and encompasses virtually every area of substantive legal work, including advocacy to influence public policy or legislation.

Some organizations engage in direct representation of individual clients while others advise governmental agencies as a part of the decision-making and policy-making process. The firms that work in the public interest sector may be nonprofit organizations or for-profit law firms with a public interest orientation. These firms often specialize in a particular practice area, such as environmental law or utility rate cases. In addition, a few legal positions, such as Attorney General, often fall under the definition of both public interest work and government work.

Public interest employers share many characteristics with private law firms. The work performed, research required, and skills utilized differ little from those required in a private law firm. However, the public interest sector often differs from the private sector in clientele, resources, and areas of practice. The most pronounced difference between firm practice and public interest practice is the amount and variety of resources available to the attorney. Public interest practitioners tend to be overworked and under budgeted.

Public interest law covers a wide range of areas and issues, making it difficult to fit public interest legal work into a static definition. As such, many types of public interest employers exist.

### **Types of Public Interest Employers**

#### ***Public Defender's Offices***

Public defenders represent indigent clients in criminal cases. The offices may be part of a centralized system or may be localized. In larger jurisdictions, the public defender's office may be divided into units dealing with specialized practice areas, such as appellate or juvenile. Additionally, many jurisdictions provide for private attorneys to handle public defender cases on a contract basis.

#### ***Legal Service Organizations***

Legal service agencies are nonprofit organizations that represent indigent clients in civil cases. Some agencies are limited to handling only certain types of cases, such as domestic violence or children's rights, while others engage in community advocacy or impact legislation. In some areas of the country, legal service support centers have been established to provide additional assistance to attorneys in the local legal services offices. Interns in these offices often research issues relevant to cases in a number of offices.

***Public Interest Policy and Advocacy Groups***

These organizations are primarily concerned with influencing governmental policy through regulatory comment, lobbying, and advocacy. While there is some overlap, most of these organizations engage in very little litigation. Generally, these organizations have an issue focus (e.g., gun control, hazardous waste, or women's rights), and they can be found on both the liberal and the conservative side of an issue. Interns in these settings often research the status of legislation, draft regulatory comments, and provide information to policy makers.

***Public Interest Litigation Groups***

These groups primarily seek to litigate or support litigation that impacts particular issues. Often these organizations separate their litigation branch from their policy branch (e.g., NOW Legal Defense Fund and NOW National Headquarters), though it is not uncommon for an organization to combine public policy and public interest litigation functions.

***Public Interest Environmental Organizations***

These organizations work to protect the environment or to implement programs benefiting the environment. They work in a diverse range of environmental areas, including land trusts, environmental policy organizations, environmental litigation, and preservation organizations.

***Trade and Professional Associations***

These associations and organizations represent the interests of their members in a variety of contexts. Professional associations generally work in areas of legislative or regulatory policy that impact their membership. Similar positions are found in labor unions.

**Advantages of Public Interest Work**

The primary advantage of public interest work is that attorneys can use their education to promote an idea in which they firmly believe. For example, an attorney who strongly believes that the US educational system should be changed can do legal work for an organization that strives to develop and implement a new national education plan.

Public interest attorneys work for a wide variety of organizations that fall on both sides of any given issue— the NAACP, the ACLU, the John Birch Society, and many more. Because public interest attorneys are typically promoting their own agendas as they work for the public good, they are generally much more satisfied with their jobs than are their private-practice counterparts.

The nature of public interest organizations also offers unique opportunities to gain legal experience. New attorneys and legal interns will often be given substantial responsibility and will be exposed to policy issues typically not encountered in the private sector. For first-year students, these positions often provide valuable exposure to legal practice and the opportunity to begin building a resume for future legal positions. Second-year students should focus on experiences that will increase their marketability upon graduation. Recent graduates interested in public interest work should also look for opportunities that will increase their marketability should they later desire to move to the private sector.



### **Disadvantages of Public Interest Jobs**

3

The primary disadvantage of public interest work is the lack of funding. A substantial number of public interest employers pay either a modest salary to their attorneys or a stipend to their summer interns. However, because of budgetary restrictions, many are unable to provide substantial monetary compensation.

To assist law students who are interested in the public interest sector but who cannot afford to work for free, the BYU law school Public Interest Law Forum provides a limited number of scholarships. Several corporations and law firms also offer fellowships to attorneys and law students interested in public interest work. Information on these scholarships and fellowships can be found in the LawCrossing database. In addition, several national programs provide grants or stipends for legal interns to work with specific organizations. Groups concerned with public interest law, such as the National Lawyers Guild, often sponsor these programs or programs covering legal positions in government, such as the Rhode Island Internship Program or the New York Legislative Intern Program. Occasionally, these budgetary restrictions also limit the amount and quality of preparation that an attorney can do. It is not uncommon for a public interest attorney to be unable to call an expert witness or to pursue a large appeal because of a lack of funding.

An additional disadvantage of public interest work is the lack of prestige associated with many of the positions. While some government positions are well respected, others are not as glamorous. Because of this, an image conscious attorney whose primary goal is prestige and recognition will probably not enjoy public interest work.

### **Getting a Public Interest Job**

Unlike law firms, which typically recruit heavily in the fall, public interest employers may interview and select summer interns and new associates at any time during the year. Students seeking a public interest position should not only look at the job notices on the Career Services website, but should also consider directly contacting agencies in which they are interested. Because many agencies have difficulty finding funding for their interns, students are encouraged to contact agencies early, so that they can consider other funding sources if the employer is unable to compensate them. In addition, public interest fellowship applications for graduating students often have early deadlines, typically in October or November. Public interest positions are not always easy to find, but students who persist will usually be able to land a position that they will enjoy.