

## LETTER TO A PUBLIC INTEREST ATTORNEY

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*Scott L. Cummings*

Dear Public Interest Law Students:

It is hard to know just what law school will be like until you are inside it. And the inside is a challenging place for students like you: students who come not to enrich yourselves, but out of selflessness; not to serve the powerful, but to empower those on the margins fighting against discrimination, poverty, and violence. I remember trying to find my own way as a public interest student. I remember isolation. Frustration. I remember feeling distant from many other students, who seemed untroubled by the ethical compromises required by the traditional legal path; and I remember feeling distant from my teachers, most of whom seemed removed from the fray, too busy, too disconnected to care about me and what I wanted to do.

I write, first, to say that how much I do care about you. Teaching students like you who are passionate about social change is the reason I became an educator and the reason I stay passionate about what I do. Helping you to find your passion, to convert it into a career that matters, is my mission. And watching you mobilize all of your ideas, experiences, and commitments into a professional calling gives me inspiration—and gives me hope. I have a tremendous stake in who you are and what you become. We all do. Because—even though you might not see it now—you will carry justice forward. You will be the lawyers who author the next chapter in the struggle for social change, who make sure that law lives up to its highest ideals of fairness and equality, and who use law as a tool to give voice to those whose voices are too often drowned out by money and power. In short, it will be you who enacts our shared commitment to make this world better for everyone. The path you have chosen—what you have decided to pursue—takes enormous courage and commitment. Your success on this path of justice is all of our success. Your failure is our collective loss.

As you take the steps on this path, I want to share some of the lessons I have learned from nearly two decades of practicing public interest law and training public interest law students. For the past several years, I have had the enormous honor to be the faculty director of UCLA's Epstein Program in Public Interest Law and Policy, where I have been inspired by the talent and passion of students, like you, who come to law school already having made deep investments in social justice causes. I have learned from these students the true meaning of commitment: students who have led the fight for immigrant rights, fought for children in severely underresourced schools, challenged conditions in slum housing and developed quality alternatives, traveled to conflict zones to support refugees and trafficking victims abroad, waged battles for deincarceration and criminal justice reform at home, battled for LGBT equality, and stood up against government repression masquerading as antiterrorism. Their presence anchors me to the core values of social justice that drew me into public interest lawyering and teaching in the first instance. As each new

cohort demands that law better serve justice, I am reminded of my own duty as an educator to redouble my efforts to help them advance.

And so it is that each year, I watch as these public interest students confront the perennial obstacles that law school throws in their path. I watch as they become immersed in the first-year project in social engineering, in which they are trained to “think like lawyers,” which means that they are asked to leave their values behind in order to become amoral legal technicians able to argue whatever side their client wishes to take. I see students face the reality of status hierarchy within law school and the legal profession, which sends the message that what they want to do—fight for the poor and marginalized—is less valued and less valuable than putting their talents to work for the rich and powerful. I see them question their intelligence, their commitments, their plans. And I see them sorting through difficult choices that will shape the lawyers they become and the careers they pursue.

So here is the question for you: How do you make it through law school to achieve a career that matters? And then how do you maintain your commitment to justice and find professional meaning over the course of your careers? How, in short, do you stay *in it for good*?

What I offer here are some reflections based on my own experience as a lawyer and teacher. They are based on years of conversations with students just like you. Students who confront the same challenges and ask the same questions as they build their public interest careers. The ideas I share are not universal truths—and some you may disagree with—but hopefully they will be useful to you as you think through your own choices and forge your own path to justice.

*Find the career that fits.* When I came to law school, my only image of social justice legal work was that of the iconic civil rights litigator: the picture of Thurgood Marshall arguing *Brown v. Board of Education* in the U.S. Supreme Court and changing the world. And so it was that I, inspired by Marshall and his legacy, chose to spend my first summer at a nonprofit civil rights organization, where I had the opportunity to work with one of the nation’s leading litigators on employment and education cases. These were big cases and the stakes were high. But precisely because they were big, the cases felt disconnected from the lives they were trying to change. I didn’t meet any clients. And I realized that the day-to-day work of legal research and brief writing in relation to adversarial proceedings to remedy wrongs already committed was perhaps not how I would prefer to spend my days. The experience resulted in an important insight: that to be a social justice lawyer, I had to not only feel passionate about the substance of my work, but also to enjoy the daily activities of it: the nuts and bolts of the work that formed the core of what I actually did as a lawyer.

This realization knocked me off of my preconceived path. I decided to spend a term at a public defender’s office, where I got more client contact. But I still felt too reactive and not comfortable in the hostile space of arguing in court. Perhaps litigation was not for me. My journey led me to Chicago, where I was inspired by my parents (nonlawyers who were working on microfinance) to volunteer at a legal project supporting community economic development, a world I knew little about. My first project was to help a group of low-income women start their own business. I got to meet with the clients and help them create an organization that advanced their goal of economic empowerment. It wasn’t adversarial and reactive, but rather collaborative and

proactive. I helped to build something that felt like it could leave a lasting imprint and make a difference in the women's lives. I was still green, naïve. Later, I would learn about the power and also the limits of this type of non-litigation work. But I had found my passion and my calling in a place I least expected.

As a law student and a lawyer, you must find this place for yourself. Only by linking your passion for justice with the skills and interests that are unique to you will you find a sustained and meaningful career. Use law school to experiment: to find the right type of job setting (nonprofit, government, even for-profit), the right type of daily practice (litigation, transactional, policy), and the right scale (high-level impact work or ground-level individual service).

*Rely on the skills and passion that got you to law school.* It is typical for students to enter law school and feel adrift on an unfamiliar sea of legal cases and legal jargon. You see your peers seeming to “get it” in a way you do not. You notice students who speak out in class with confidence, judging your own answers by the metric of those responses. And you see peers with perfectly formatted outlines and other study strategies that seem foreign or ill-adapted to your own study habits and learning styles. Don't panic. Remember: everyone learns differently. And law school is, at the end of the day, just school. By virtue of being in law school, you are by definition someone who has excelled at school, who has developed the skills and habits to succeed. To do that, you must stay rooted in your core strengths and habits. Study in the way you study best. Sure, you should pick up some new tips and techniques along the way. But don't try to become someone else. I see students struggle the most when they try to change their game, to imitate what others define as the “best” approach, to study in ways that feel unnatural or inauthentic. My advice is always: when in doubt, fall back on your routine and your pattern. Do what brought you here. That is the path to success.

*Do your best.* I have often heard public interest students debate whether or not grades matter and, more generally, whether investing in the traditional makers of law school academic success necessary to achieve their public interest aims. In different versions of this discussion, students may suggest that the law school game is rigged against students with political commitments; they may say that how they do on an issue-spotter test doesn't say anything about how they will be as public interest lawyers; they may defend a choice to do real work in the real world over investing in studying the minutia of appellate court cases. I would be the last person to defend the hierarchical and elitist culture of law school (and the legal profession more broadly), or the way that we generally teach and evaluate students. However, I think it is short-sighted and counterproductive to give academic performance short shrift.

No matter how bankrupt the system is, no matter how much we may justifiably criticize law school pedagogy, doing your best matters for two reasons. First, you need to take advantage of this chance to acquire the skills you need to be the best social justice lawyer you can be. That doesn't mean just hitting the books. But it also doesn't mean deemphasizing the books or devaluing your coursework, which have a lot to teach. No matter what type of lawyer you become, you want to have mastered as many skills as possible to be the most effective advocates you can be. In the real world, your adversaries will have the best lawyers money can buy. To win, you need to be even better than them, because they will have all the advantages of money, power, and prestige.

Second, we live in a world where other people care about academic performance, which therefore affects your opportunities. All of you are risk takers. And some of you will forge innovative and entrepreneurial paths. But many of you will pursue jobs in established organizations. You want to have a chance to pursue your passion and doing your best will enable you to do that. Notice that I do not say that you have to get certain grades. Just that you have to make a commitment to yourself to do what it takes to achieve at your own highest level, whatever that is. Seek out help, stay late, and make the sacrifice in the short-term. It will help you be a fierce advocate for justice in the long-term. Doing your best doesn't mean sacrificing your commitment in the short-run, but rather giving yourself the greatest opportunity to maximize your impact over the long-run.

*Stay as connected—as you need to.* Another question I often hear from students, particularly during their first-year, is whether to turn inward or pivot outward: whether, in other words, to immerse in the law school experience and step back from the outside world of advocacy in order to figure out the law school game; or whether to minimize law school engagement and build ties to the advocacy world in order to stay motivated. I'll tell you what I tell them: do what you need to stay energized and de-stressed. If that means doubling down on law school, hitting the library, building relationships with other students—do it. If it means taking off as soon as class is over, connecting with friends, colleagues, and activists outside of campus—that's fine too. Like studying, there is no other answer than what feels right to you. I've seen students who have been incredibly successful in law school and after as public interest lawyers, who threw themselves into the law school experience the first year. And I've seen an equal number who showed up when they needed to but otherwise did their own thing. Whatever you do, I would urge you to forge bonds with like-minded students and faculty. They understand what you are going through and the solidarity you create with them will fortify and sustain you through your law school years and after you graduate. You will be surprised at how small the social justice lawyering world is. The friendships you build with allies at law school will be foundational to the work you do throughout your careers.

*Don't confuse rhetoric for reality.* Of course, not everyone you meet in law school will be an ally. Some folks you think are on the same path will jump off. And others you think are bound for private law will end up doing significant public interest work. It is important to find community and fill that community with similarly committed people. But try not to get caught up in defining membership based on short-term job choices and castigating those who make choices that are different from yours. We train students to argue and that is a good skill to have. And it is completely worth arguing about whether it makes sense to take a job at a law firm. But avoid superheated debate. Careers are long. One thing we know about legal careers is that lawyers in your generation will change jobs several times. Recent research shows that the percentage of graduates who work in the public interest field, whether nonprofit or government, increases after 7 years. Your goal is to build a sustainable, meaningful career for social change. This might mean that you make short-term choices to maximize the potential to achieve your long-term goal.

However, don't take the easy way out just because it is available. You need to question your choices—and it is right to hold your friends to account for theirs. We can justify anything to ourselves. Students will say that they are taking a job at a law firm for “training” when the

experience they would get representing clients at legal aid may be much more substantial than the menial work a young associate would get on large-scale corporate litigation. Or students might say they need to pay off debt, when LRAP programs offer a totally viable way to do that in the public interest. If you make the choice to pursue private law in the short-term, you need to understand what that choice entails. It isn't so easy as: "I will pay off my debt and then do what I want." That, of course, is the goal, but the reality is much more complicated. It isn't just that your lifestyle might expand to the new limits of your income, but that the external indicators of "success" change. Research on careers shows that our attitudes are shaped by where we work. This is true of your law school experience (learning to "think like a lawyer" changes the way you understand your professional role); it will also be true of your workplace experience. As a law firm associate, you may start to think the measurement of a successful career includes the status of partnership—or at least a job that partners find impressive. Don't fall into that trap. And remember that if you chose private law for debt relief purposes, hold yourself to it. Live as you would if you were not earning a law firm salary and have an exit plan. Communicate that exit plan to your close friends and allies and make them hold you to your promise. If you choose to pursue private law as a long-term strategy, remember why you chose to become a lawyer and make yourself a promise to give back. If others in your circle make that choice, remember to use them as allies for fundraising and pro bono support for your public interest work.

*Do things because you want to, not because everyone else is.* Law review? Moot court? Applying for law firms or judicial clerkships? Do it because you think it is interesting. Because you think it will help you build your skill set and become the public interest lawyer you want to be. These experiences can be valuable. But don't do them just because everyone else is (or, at least, so it seems). Invest in experiences that matter to you and that you will gain from. Articulate to yourself the connection between the experience and your career goal—something beyond just the mere fact of the credential. There are always credentials to be won. What will make you stand out is creating a unique set of skills and experiences that tell a story about what you care about and who you want to become. You can't make all your choices based on always trying to "keep your options open" by pursuing what others define as the brass ring. That's boring and ultimately unfulfilling. You can't win the race for status and prestige. But you can win in the quest for meaning and satisfaction. Take the risk to be who you want to be. The reward will be much greater.

*Demand accountability.* You chose your law school because it promised you support in pursuing your public interest career goals. Make sure it lives up to its promise. If that means giving you specialized career advice, mentoring, summer job placement help, robust LRAP—make sure that your school delivers. And if your school doesn't have enough support, you need to fight for it—for yourselves and for the next generation of students. I know from my own experience at UCLA that being at a school with an institutional commitment to public interest law is not natural or inevitable. It is something that has to be fought for with each new generation of students, whose struggle to make the world outside of law school better depends on efforts to ensure that the world inside remains a place where they receive the support needed to make a difference. In the end, remember to stay focused but also to find happiness and fulfillment in the process. This work is important, but it should also bring you satisfaction and even joy—joy not just in success, but in the struggle, and in the relationships, with other students, with mentors, and with

clients. Those relationships will sustain you, propel you to make a difference. Together, you will change the world. Our hope is in you.

In solidarity and with the greatest admiration,

A handwritten signature in black ink, appearing to read 'SAC', with a large, stylized flourish at the end.

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