

LETTER TO A YOUNG PUBLIC INTEREST ATTORNEY

*Sid Wolinsky**

Re: 9 Wrong Reasons Not To Be A Public Interest Lawyer

I am 72 years old. I have been practicing law for 47 years. Because I am a public interest lawyer, I am so excited about my legal work that I cannot wait to get to the office every morning. While I have watched many of my friends in private practice become depressed, be overcome with ennui, or long for retirement, I find my public interest law practice deeply satisfying and meaningful. To me, the work is not only joyful, but represents as high a professional calling as any man or woman could ever wish for. Hence, you will understand why I am astonished to see bright and even idealistic law graduates continue to succumb to the fading blandishments of corporate and large firm practice.

By listening to the musings of law students, I have identified nine of the most commonly used excuses for not pursuing a public interest career. They are largely a combination of myths and misinformation, infused with an unhealthy dose of corporate firm propaganda. This letter is a modest effort to set the record straight. The excuses are:

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1. THE MYTH OF “TRAINING”

I often hear recent graduates say that they intend to join a big firm to get “training.” This borders on the delusional. Unfortunately, given the reality of modern corporate law practice all too often “training” consists of a few lectures from partners, often being buried in the bowels of the building, sorting through a boxcar of accounting documents, and fighting off terminal boredom. Also, the cases and deals are considered “too big” to allow a callow youth under the age of 45 to handle them. Things are different in public interest law. In my non-profit firm Disability Rights Advocates (DRA), for example, we expect our lawyers to know how to take and defend a deposition, formulate and pursue discovery, participate in settlement negotiations, argue a motion in court and write a brief to the Court of Appeal, and meet clients, all in the first two years.

2. THE MYTH OF LOAN REPAYMENT (“I’LL DO CORPORATE WORK JUST UNTIL I PAY MY DEBTS”)

A common excuse from students is that they are going to embrace the big firm life just until they pay their law school tuition debts and then leave for a more conscience-free practice. How many people do you know that have actually done this? I rest my case. Once you start down the road to lavish personal expenditures and get buried in 2,300 billable hours a year, it is difficult to get out from under. Almost nobody escapes. The loan repayment argument is especially unpersuasive because many law schools and some public interest law firms (like mine) have loan repayment programs which go a long way toward easing the debt burden.

3. THE MYTH OF INTELLECTUAL CHALLENGE

One of the subtler misconceptions about big firm versus public interest practice is that you can only get “intellectually challenging” work in the big shops. This nonsense is usually spread by a law professor who did a two-year stint at a big firm before he or she dove back into the shelter of academia. In private practice, chances are that you will either be researching obscure issues of whether an accounting statement is privileged or writing a mind-numbing memo about the legislative history of an archaic IRS Code provision. On

the other hand, public interest lawyers routinely deal with such truly challenging issues as constitutional rights to free speech, freedom from search and seizure, equal protection and procedural due process. In the big firms, there are some very smart lawyers at the top of the heap. But if you think that in the hierarchical structure of a big business oriented firm you are going to have a lot of room for creativity and intellectual gymnastics, you really are fooling yourself. For most of your practice (and perhaps most of your life) you are going to be doing the same thing over and over and over, “going by the book” and following the checklists in the Practice Guides. If this is your idea of intellectual challenge, go for it. By way of contrast, here at Disability Rights Advocates almost half of our cases are the first of their kind in the country, involving cutting-edge issues and providing enough intellectual challenge to make Louis Brandeis happy.

4. THE MYTH THAT I’M NOT HURTING ANYONE BY BEING A LAWYER FOR BIG CORPORATIONS

Have you heard the phrase “you are part of the solution or you are part of the problem”? They are talking about you, my friend.

5. THE MYTH THAT PUBLIC INTEREST LAWYERS ARE IDEOLOGUES

The stereotype is that public interest lawyers pursue dreamy ideals and abstract principles while the business lawyers are the hard-headed and practical ones. My own experience has been that exactly the opposite is true. Public interest lawyers usually do not have the luxury of pursuing ideology. They have as clients real human beings with real human needs. Our clients with disabilities need housing, a job, and a chance to lead their lives like everybody else. The real ideologues are the corporations who I see on an almost daily basis litigate unnecessarily over abstractions like free enterprise, management rights, bureaucratic freedom to make decisions and rights of private property.

6. THE MYTH THAT MONEY BUYS HAPPINESS [OR, I DESERVE THE BETTER THINGS IN LIFE]

The truth is, if you really want to be happy, you are on the wrong track. The Journal of Occupational Medicine found that lawyers are the most likely to be depressed of twenty-eight professions. A North Carolina Bar Association Study found that 26% of lawyer respondents were clinically depressed and statistics show that 20% of practicing lawyers are problem drinkers. Maybe you should have gone to medical school, but it's probably too late. At least, don't make it worse. Doing meaningful work that helps to improve the world and fosters justice and equality may not give you a guarantee against existential angst, but it certainly cannot hurt.

7. THE MYTH OF WORKING ON “BIG ISSUES”

Some graduating law students think that they need to go into a large firm to work on large issues. What they usually mean by this is that they want to work on issues associated with a big dollar number. Of course, any thoughtful person wants to feel that their work is significant and wants to participate in their times. But, that is exactly why public interest practice is so appealing. With the truly big issues, like equal access to justice, integration, homelessness, veterans' affairs, racial and gender equality, the environment, protection of civil rights, and dozens of other social, political and economic problems that confront our society, public interest lawyers grapple on a daily basis with the issues of importance and impact that affect all of us, as well as future generations.

8. THE MYTH OF LEARNING TO LITIGATE (“AND THEN I WILL BE IN A POSITION TO GO INTO PUBLIC INTEREST LAW”) – SEE “1.” ABOVE.

A lawyer who spends three or four years in a “big firm” practice is actually less well equipped to be a public interest lawyer than the fresh-faced recent law graduate. As an associate in a corporate firm you learn to move slowly, take few risks, take no shortcuts and research every fine point within an inch of its boring life. This makes perfect sense when someone else is paying the bills (and you are trying to run up the maximum billable hours). Unfortunately, this approach is a disaster for a public interest lawyer who needs to

assiduously prioritize time and resources, keep down the number of billable hours and take short cuts as well as risks. For example, in a corporate law practice, what you learn about discovery is almost the exact opposite of what you will be taught in a public interest law firm. The business firm approach is to take the maximum number of depositions (at about \$1,000 each), leave no tome-untuned and exchange documents by the warehouse-full. At a public interest firm, you will learn how to take the two-hour, sharply focused \$300 deposition in place of the all-day marathon, get practice in using cost-free public records act requests, and learn to use a scalpel in discovery, rather than a bludgeon. In short, you may get some litigation instruction at the big firm, but it will be the wrong kind for your public interest career.

9. THE MYTH OF PRO BONO WORK.

Some newly-minted lawyers think that they can have their cake and eat it too by making a high salary at a corporate firm and doing pro bono work to make a social contribution. Of course, this is the same reasoning that developers use to rape the environment and justify it by giving back a tiny park for the public. Who wouldn't want it both ways? But beware. What this really means in practice is that you'll have the chance to work on a public interest case late at night or on Sundays after you've logged in your requisite 45 billable hours a week. More importantly, why would you want to spend to the whole week doing grunt work when you could do what you really want to do all the time? The core problem is that much of modern law practice, which has turned into a business rather than a profession, has abandoned the young lawyer in private practice. It is a less-than-desirable existence that more closely resembles that of a low-level worker in a big accounting firm than the practitioner of a grand profession.

The reality of public interest law practice is much closer to what all legal practice used to be like—without the hierarchy, impersonality, anonymity, hyper-specialization, low quality of life, and economic bottom line orientation of contemporary business practice. Public interest law does not merely offer the opportunity to do good work, but to practice law in a really exciting and meaningful

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way and in a manner more consistent with a better life quality. You only have one life to live; don't waste a minute of it.

Sincerely,

Sid Wolinsky