The Most Common Path to a Public Interest Career Is Also the Least Discussed

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There are ultimately three avenues to a public interest legal career. The first is a postgraduate fellowship with a public interest organization. The second is a judicial clerkship; clerkships demonstrate a commitment to public service that can attract public interest employers. While these paths to a public interest career are certainly desirable, it is probably fair to say that most future public interest lawyers pursue a third avenue: taking whatever comes, maintaining a long-term perspective, and doing one’s best to exemplify a commitment to public interest in the meantime.

Unfortunately, there are few resources for those who plan to pursue this most common third avenue. PSLawNet and Equal Justice Works offer troves of advice for prospective fellows, including links to guides produced by several law schools. There are, moreover, countless resources for prospective clerks. These include OSCAR — which has streamlined the process of applying for federal clerkships — as well as a state judicial clerkship guide produced by Vermont Law School. This imbalance is underscored in Beyond the Big Firm — an excellent book by Alan Morrison and Diane Chin in which over half of the profiled lawyers obtained either a fellowship or clerkship.

It is in recognition of the realities facing their students that most career development offices do not dwell on an alternative pathway to public interest. Few students appear to have the stomach for it. The Yale CDO notes in its Public Interest Careers Guide that “many students can’t stand the uncertainty that a public interest job search often entails . . . The lateness of public interest offers, compounded with the rumor that positions are not available, cause those who are risk averse to jump ship to the private sector option.”

The Yale guide does not confess that most law schools may also share an aversion to the public interest job search. This aversion derives from the likelihood that few public interest-minded graduates without either a fellowship or clerkship will be considered “employed at graduation.” Instead, the guide goes on to discuss the merits of fellowships and clerkships, which are often timed to coincide with private sector hiring.

How then do we counsel the countless law students who graduate each year without either a fellowship or a clerkship but still an abiding commitment to the public interest? CDOs need to broadcast the stories of the many people who took a long-term path to a public interest career. When possible, we need to speak from our own experiences. And if you will pardon a minor indulgence, I will do just that:

I came to law school with little idea of what I wanted to accomplish with a law degree. All I knew was that I wanted to serve my community, especially those who did not have the same opportunities I’d had. During my first summer, I worked for a small office in Chicago that represented death row inmates. A few months earlier, Governor Ryan had appointed a Commission on Capital Punishment to evaluate the state’s death penalty procedure. At the end of that summer, Governor Ryan granted a blanket commutation to the state’s death row inmates. In relating this experience, I find it difficult to describe how it consumed me. But it buoyed me through graduation, at which point I began to look for a public interest position.

By Thanksgiving, my selectivity began to dim. It was not as if I had believed that a job would be waiting for me; I just wanted a job where I could
feel good about what I was doing. But after months of looking, all I wanted was to use my brain. I could almost feel it atrophy, to say nothing of my bank account. In January, I did what few CDOs advise students to do: I made a list of every law firm where I lived and began cold-calling them. I asked to speak with the managing partner, explained that I had passed the bar and asked for a job.

As luck would have it, the second firm I called had been planning to post an associate position. I had no idea what insurance coverage work was, but I read the relevant *In a Nutshell* and explained during the interview that I was excited about the public policy aspect of insurance. The year I spent at Barger & Wolen was incredibly rewarding. The partner with whom I worked most closely became a mentor. He gave me a great deal of responsibility: I drafted motions for summary judgment, deposed witnesses, and took the second chair in a matter that settled just before trial.

Importantly, I immediately sought out pro bono work. Through the National Lawyers Guild, I learned that the California Habeas Project was organizing attorneys to file petitions on behalf of inmates who had been prevented from presenting evidence of Battered Women’s Syndrome at trial. The Guild connected me with two attorneys — Jana Carter and Noreen Farrell — who were working on one such petition. I spent many nights and weekends drafting the memorandum of points and authorities and traveling to collect declarations.

At the same time, I pursued other opportunities and applied for an open position with the Office of the State Public Defender, the agency charged with representing the state’s death row inmates on appeal. During my interview, I was asked why an insurance coverage attorney would want to work there. I told them about my internships and my pro bono work and relayed the words of my old supervisor in Chicago: “The dream is to put ourselves out of work because there is no one left on the row. And whether I am fighting the death penalty here or somewhere else, I am always going to be doing just that.” At 28, I was one of the youngest attorneys the office had ever hired.

This, of course, was not the end of my search. After two years, I decided the office was a poor fit — not at all like the office in Chicago where I had experienced such camaraderie and sense of purpose. I accepted another position in private practice, thinking that I had perhaps pigeon-holed myself too quickly. But I was unhappy there as well. The few friends I made aspired to public interest careers and talked of one day leaving their salaries behind. Yet they also lived in attractive neighborhoods, drove expensive cars, and ate nearly every meal out. I realized then why so few attorneys ever leave private firm salaries to pursue public interest work. I left private practice for the final time to found the City of East Palo Alto’s first juvenile diversion program.

I spent a few years building the East Palo Alto Youth Court into a robust program and left to run the public interest programs at Golden Gate. I am surprised with where my career has gone. But because many of the students here are the first in their families to attend college, let alone law school, I often feel I am doing exactly what brought me to this profession: serving those who did not have the same opportunities I’d had. I share this with my students knowing they too will understand: anyone who stays connected with what brought them to this profession is sure to find a rewarding career.

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