“PURSUING A CAREER OR FINDING A CALLING: SEVEN MYTHS ABOUT PUBLIC INTEREST LAW AND HOW (I) DISCOVERED IN THE PAST TWENTY-FIVE YEARS THAT THEY’RE NOT TRUE.”

Deborah Ellis

So anyway, thank you so much. I know Law School’s time is precious and I thank you for spending your time with me this afternoon.

What I want to talk about today is…I’ve entitled “Pursuing a Career or Finding a Calling: Seven Myths About Public Interest Law and How (I) Discovered In the Past Twenty-five Years That They’re Not True.” So basically what I want to do is talk about all the things I kind of mentioned lots on my conference sessions to students and try to put it together in a coherent whole.

Your dean, Joe Knight, has called law a “calling in the spirit of public service,” and my message to you today is to seriously consider a life of public service.

[aside] Mia, you don’t have to hide behind the book. It’s not that bad. Okay?

And why do I want you to do that? Well, I really want to encourage the best and brightest to choose public service, no matter what field, because the world needs you. It needs your talents. And I know there are many other voices giving you other messages.

At NYU, we sometimes say it’s like there’s a conveyer belt to the law firms; and, indeed, the law firms of America are made up of: really nice people; decent, intelligent, kind people; people like you. Many of the lawyers who work in them devote a good number of hours to do pro bono work: pro bono work that’s viable. Nonetheless, I want to spend my time with you today urging you to think about a calling of public service. Indeed, I may be a little bit evangelical, or as Mia said when she heard me say the beginning, a little “mushy.”

Why do I say calling and not career? Well, to me, the word “career” is a way you make money and it doesn’t capture the sense of vocation that I want for you. A career, I feel, is something you do to make money. But to choosing your life’s work, I want you to find a vocation or calling. Both my own work as a public interest lawyer and from counseling public interest students at NYU and the scholars en route with our current program, I know public interest lawyers are uniformly passionate about their work. They’re excited to get up every morning and go to work, which is something really important. Nonetheless, the predominant message of the top law schools is that to be successful you should work in the corporate law firm.

Before I get into what are the seven myths, I want to get a definitional question out of the way. I don’t know if it’s a problem here or an issue for you, but I thought I’d address it, which is: “What do I mean by public service?” I’m going to use the words “public service” and “public interest” interchangeably because I think they should be very
similar. I mean doing legal work that is not primarily for money, but to represent an underrepresented people or cause. I use it to embrace many fields: from nonprofit to government service, to the judiciary, to legal aid, to prosecutors, to fundraising or foundation work, even to being a public interest career counselor and nurture the next generation. I know our students at NYU love to debate whether government service is public service. Does that debate go on here? I basically believe it is. I just want to put that on the table. I make a big point of espousing that. I just had a lunch at the east side of Washington with public service alums from NYU and one of them had...all of them were actually in various kinds of NGOs except one who had gone from the Defender Association here to the State Attorney General’s office where he felt that he was doing very good work.

What I like to say to my students is if we have good people in government then we don’t need so many other people suing government and it takes a lot less resources. I think one thing you probably found out even as a 1L is that legation is a very inefficient way of solving problems. So I urge people to think about government service. We need good people there, too.

So there’s a lot of myths out there, I think. Some of them are very subtle, and some of them are very explicit that discourage student from public service. What I want to do is talk about seven of them: 1) that you’ll be as poor as your clients; 2) your work will be frustrating and not have impact; 3) that you will not be intellectually challenged; 4) that your work will not be prestigious; 5) there is no clear career path; 6) you will work long, grueling hours; 7) you can make more change by being wealthy and giving your money away....So, well, some people do think that.

First: you’ll be poor like your clients. I’m going to tackle this one first or otherwise I think it will become the proverbial elephant in the room. In New York City and I’m sure in Seattle, a lot people make a lot of money in law firms. New York City’s salaries have just gone up to $160,000 starting, which is amazing. [For] legal aide in New York, the starting pay is $50,000, which has just gone up to the 50. Historically, it has sat as a salary gap that is widening.

In the sixties, the disparity of the law firms and the legal aids was much lower. Our dean has actually done a study before he was dean showing that the decisions of law school students are driven, in a large part, by the relevant incomes in the different sectors of the legal profession. Making the disparity even worse is the fact that law school tuition is rising faster. Although you folks have made a good decision by going to a state school that is a good school, thereby lowering your cost of tuition.

Three decades ago, compensation among occupations differed far less then it does today. The growing difference is diverting people from some critical fields, experts say. The American Bar Foundation has found in its surveys that few law school graduates are going into public interest law or government jobs and filling all the openings is becoming harder. Now, I know it’s still hard to get public interest jobs so I don’t think it’s that hard to fill openings, but I think it’s hard in some parts of the country.
So in light of this huge salary gap, what is the truth? How can I exhort you to a life of public service? It’s simple to me. You don’t need the large salary of the large law firms. As a former employer discrimination lawyer, I want you to be very rigorous. We in law school like you to be rigorous, right? So I want you to be rigorous about who you use as your comparator group.

Now, what’s a comparator group? When I was public discrimination attorney, we said a comparator group is who you, as a plaintiff, compared yourself to. If you were a pregnant woman alleging employment discrimination because you came to work late and you were fired, your comparator group is a group of people who also came to work late and were not fired. I think the law students who want to do social justice come to law school and their comparator group are other people doing social justice, whether it’s college professors, teachers, social workers, ministers, those are the people who you can compare yourself to. By those standards, public service lawyers make good salaries.

What happens at law school, I think, is that the comparator group changes to the corporate lawyers who are doing very different work for a living. So that makes people change their thinking. Many students are drawn to law because they see it as a way to affect social change. I don’t think there’s any law school application where people write they want to come to law school to do mergers and acquisitions. At least, I haven’t found one, yet. I think that one thing I want you to do is to be wary of what your comparator group is. I think it represents the law school’s covert curriculum of changing your values when you change your comparison peer group.

The other reason why I don’t think that the huge salary gap should dissuade you is that there’s all this happiness studies that’s out there now. I don’t know if you’ve heard about the happiness studies, but psychologists have begun to study what makes people happy rather than just what makes us neurotic. There’s been so many years of what makes us neurotic that we’re starting to think “Well, what makes us happy?” They have found – a large body of research really seems to suggest – that wealth above a certain level does not make much difference to our happiness. Wealth above a middle class standard of living does not make people more happy.

For example, when we yearn for roomy, isolated homes, it will probably actually compromise our happiness by distancing us from neighbors. It’s been shown that social interaction and friendships have actually been shown to give lasting pleasure. Also, the middle class now takes for granted things that even royalty didn’t have 100 years ago. I think it’s just real interesting to think about this. Things like air conditioning and central heating, TVs, books, iPods, numerous changes of clothes, not to mention computers, cell phones, etc. So by those standards, we all have really high standards of living.

I also think that public service gives us a chance to hone our skills at being scrappy and thrifty. I really like one mutual fund company that advertises that their founder, who certainly could afford to eat filet mignon every day, eats peanut butter sandwiches in a brown bag that he brings to work. And I also love the story about Roger Baldwin, who
founded the ACLU, who would refused to take a cab, and he was 90. Someone saw him and said, “Why are you going down the subway to take the subway late at night?” He said, “I don’t want to get into bad habits.”

I think that thriftiness is a fashionable habit, or it should be a fashionable habit. It’s a good lifelong habit. If you cultivate it, it will prevent you from being shackled by the golden handcuffs that happen to many people when they go to law firms. I also urge you, to be smart, though, about finances, to be savvy about it. I remember thinking as a young public interest lawyer that I had to be more smart about how I handled my money then my peers who were going to make lots of money. I would always read Money magazine. I only read free copies that you can get on airplanes so I could start saving my money when I was really young.

I also think that having less money – I’m not urging you to be poor, remember – but having less money can actually enrich your life. It can make you barter, for example. I’ve heard there’s a barter culture in Seattle, at least among artists…a glass-making artist that I met yesterday [told me]. But I know that as a public interest lawyer, I’ve always tried to rely on things like switching child care with my friends, and that’s actually made for a richer life for my kids and for me in creating a community, as well as spending less money.

I think the truth is on this first one is that you will not obtain material wealth being a public interest lawyer but you will have plenty of material resources. You will be richly rewarded with genuine gratitude of clients you’ve represented and the satisfaction of work well done and the belief that your work really matters.

So that’s a good segue way to myth two: that your work would be frustrating, and not have any impact. Many students consider public service and then consider against it because they’re afraid they won’t make a big enough difference. I think that’s a real issue to think about. This, of course, is not confined to law. There was a recent series in the New York Times looking at the newly wealthy. This one article looked at a doctor named Robert Glassman. Let me read an excerpt about him: “Dr. Glassman had hoped to achieve breakthroughs in curing cancer and had even dreamed of winning a Nobel Prize. However, after some years, he realized his devotion to research would not necessarily deliver a big scientific payoff. So he joined McKinsey and Co, a big consulting firm, where his salary was higher, it was really prestigious, and it was very intellectually charged.”

When I read that article, I felt really sad that no one had encouraged Dr. Glassman to stay in research and counseled him that it’s going to take a lot of people working together to find a cure for cancer. Although he will make more money working for McKinsey, there’s no doubt in my mind that he will have very little impact on the world. I see the same thing among the law students that I counsel. Some only want to work in public interest organizations that they’ll have a “big impact.” They don’t want to waste their time dealing with cases representing individual people. What I find paradoxical is like the young doctor, they may end up choosing corporate law where they will, to quote a friend
of mine, “rearranging the assets of the upper classes,” having very little impact. That’s from Steve Bright, the long time executive director of the Southern Senate for Human Rights in Atlanta, Georgia.

So what is the truth on this one? I think the truth is that your work will be frustrating, but it will have daily satisfactions and at times be exhilarating. Working with others over a lifetime, you can see major changes.

I want to give you an example of a change I have seen since I graduated from law school 25 years ago. That’s a long time. This is an example, I think, that’s not so well known in the public, so I thought it would be a good one to highlight, which is change that was wrought by a public discrimination laws in firefighting, police departments, and blue collar unions. These are all from blue collar jobs where you don’t need a college degree, and where prior to the employment discrimination law being passed in 1964, no women – and usually no people of color – could ever be hired. It was just a blatant, “We won’t hire black people; we won’t hire women.” After those civil rights laws were passed, the tests that employers used to hire people became pencil and paper tests – which also had a discriminatory impact often on people of color – or a physical abilities test, which had a discriminatory impact on women. Those tests were challenged by employment lawyers all over the country, the government, and the EEOC as well as NGOs. Gradually, they became illegal to use because the law required that you have to use a test that doesn’t have a discriminatory impact. Or, if it does have a discriminatory impact, you had to show that it was related to the job requirements.

So that what has happened since the passing of the civil rights act is that employers had to fine-tune their tests they use for hiring people. So to make a very concrete example, women in New York City, or all people trying to be firefighters, were required to lift barbells. After women were represented in lawsuits by the NYU Civil Rights Clinic, they changed the tests so that instead of lifting barbells, you had to lift, actually, a dummy. That’s a person, right? You don’t have to lift actual barbells out of a burning building: you had to lift people. Gradually, these tests have been changed and more and more of these major public employers are now open to a wide range of people. So that’s an example, I think, where change has come from many people working together and it’s something that people are not so aware of – an example of real change.

I also want to reflect at this point, on the fact that public interest law in 2007 is multi-strategic. As a young public interest lawyer, I often thought that if we had a problem, “Well let’s find a way to sue. What’s the cause of action?” If a carpenter has a hammer, they feel like they need to pound something. That was the tool I knew. I knew the tool of a lawsuit. But I think now that we realize that law needs many tools. One of the things I’m doing is I teach at the Brennon Center at NYU – the Brennon Center for Justice – and I teach at a public advocacy clinic, where we talk about all the different tools that we need to have.

This has become – for one thing, the judiciary has become conservative, the federal judiciary especially – so that litigation can no longer be the solution to many of our
problems. The other thing, I think, is many of our problems have become more complicated and more subtle. To take the example of sex discrimination again, litigation has guaranteed that pregnant woman cannot be fired for being pregnant. But neither litigation or federal law can force an employer to accommodate a working parent. That’s a much more difficult thing to do also because it’s affirmative, not defensive.

And so it’s hard to…we really need to be multi-strategic. What do I mean by multi-strategic? I mean a lawyer that uses the full toolbox of strategies at our disposal. From public education, to media campaigns, to community organizing, to legislative change and to lawsuits. I’ll have to say that I think the capacity to do lawsuits, at times, is very, very important. I know demand letters are paid much more attention to more when they come from a lawyer when you have the capacity to sue, so you don’t want to give up that capacity, but it’s important to be thinking about all the other strategies too.

An example of my own life of when we were multi-strategic [and] very successfully was at Now Legal Defense Fund when I argued in front of the Supreme Court an abortion clinic violence case and we lost. What we were doing in that case is we were using an 1871 law involving the Ku Klux Klan Act, which forbid group conspiracies to deprive people of their civil rights. I think that was a really good theory and many lower courts agreed with us. But, of course, when the United States Supreme Court took serve, we were worried. We had a right to be worried and we lost. I think it was a good theory, but the fact that it was about abortion made it hard for the Supreme Court to rule in our favor.

What we were doing is at the same time we were winning junctions around the country in lower courts we were also working on a federal law called The Freedom Act of Clinic Interests’ Act that we did get enacted by Congress after we lost the Supreme Court case. So we were working on both strategies at the same time. The advantage of the law is that it could be finally attuned to the issue at hand. It was about abortion clinic violence, where the litigation strategy we were trying to shoehorn our modern day problem into an older model.

We could also be very conscious by protecting the legitimate First Amendment rights of people who oppose abortion in our law so that when our new law was challenged – the day it went effective, it was challenged all over the country by people who disagreed with it – it was upheld because it was a very nice balance of giving adequate First Amendment protection while also preventing clinic violence. I think the law, although not perfect – no law can be perfect – has helped in reducing clinical violence.

I think the other thing to keep in mind is that law increasingly, I hope, is going to be using non-litigation tactics. Your dean again has said that law is a “problem solving, healing profession.” I think that's an aspiration more than a reality but I think that it's a good aspiration. I know that you have a mediation clinic here and so I think that it's wise to think about really…we as lawyers…the essence of what we're doing is problem solving. In what we're doing, that in public service, it is wise to be really savvy about how we do it.
I think that the reality, then, of Myth Two is that each public interest lawyer does make a
difference. We may not always know how we make a difference and we may not be able
to gauge the impact of our difference. Lawyers who represent individual clients –
whether it's public defenders and housing court or numerous other ways – can make
tremendous differences in individual lives. I once represented a prisoner in Alabama. I
was approved by the court to represent him when he filed a Pro Se complaint and the
guards there had actually forced the prisoners to crawl like dogs and bark like dogs. As a
Pro Se complainer, he probably wouldn't have gotten as much attention as I could give
him as his lawyer and getting damages, and then I got the U.S. attorneys also in Alabama
to bring a civil rights act against the guards – which unfortunately failed – but I hope that
the publicity of that and the fact that they've been more on notice did do a small part in
not only helping my client's case but in the larger effort to decrease prisoner brutality that
is working at all these individual ways can hopefully help our problems.

There's a well know story, though – I'm sure that some of you have heard but I'm going
to recite it as the end to this myth – which is the starfish story. The boy walking along the
ocean and there's been a high tide and many starfish are out past the water's edge, and he
throws the starfish back in. Someone comes along that says, “That's ridiculous. You're
never going to be able to save these thousands of starfish on the sand.” He goes, "But to
each starfish I throw back in, it makes a big difference."

On to Myth Three: if you choose public service, you will not be intellectually challenged.
Well, I attribute this one to what I call the “hegemony of the law firms.” I am normally
not a person who likes big words like hegemony. I really like plain words, but this case I
think hegemony is the right...is the accurate word. I think we live in a time and place
unfortunately that equates wealth – and maybe this has always been true – where wealth
is equated with virtue and with intelligence. So it follows, then, if you work on cases for
rich people, then your work is valued and you're a smart lawyer. Conversely, if you work
on cases for poor clients, you're seen as a poor lawyer.

Well, what is the truth? Well, I have three truths about this: 1) the same myth exists in
other fields, such as medicine. I think it's wise to realize that. Doctors for poor people are
also often regarded as inferior doctors. That's why we need the best and brightest to enter
all public service fields.

Two, Jerold S. Auerbach wrote a wonderful book about 20 or 30 years ago called
Unequal Justice, where he really looked at the raw eyes of corporate law forms. At one
point in our society, most lawyers represented individual people. They did public service
as part of their everyday representation. In the beginning of the 20th century was the rise
of the firms: a very deliberate attempt by elite lawyers to preserve their status by
stratifying the profession by race, class, religion and sex in their law firms and also by
restricting their clientele only to those who can pay. So that this is a very deliberate...a
hegemonic attempt by the law firms to be elite.

So that's my second response to that myth. My third response is that public service law,
whatever field you choose, really involves the most complex and sophisticated issues of
our time. I know one of our students who came in wanted to be a public interest lawyer and has since decided not to, which makes me sad. He wanted to do environmental law and he decided not to do it because he said, "You know, it's not so simple. I came into this law school wanting to affect the environment and now I see that there's affordable housing issues that are brought up against environmental issues." Well that's the problem. That's what makes it…that's why this is intellectually sophisticated and complex. For every issue you work on, there's another issue that you have to deal with.

Public service really, I think, involves the toughest issues of our time. If it didn't, there wouldn't be so much disagreement, right? We'd all agree on affirmative action, immigration and the death penalty. Right now even the Supreme Court's looking at voluntary integration in Seattle schools. Who would have thought that that would be a subject of disagreement in 2070…uh…in 2007. Hopefully it won't be in 2070. So, I think that public service law really involves the most sophisticated law. Victories are not easy – remember Myth Two – so we need all your talents.

So on to myth four. The myths get shorter and shorter, and my responses to them do too. Myth four is that your work will not be prestigious. I think this myth is closely related to myth three and the truth is similar but I think it's worth addressing separately because I think some of us, myself included at times, have been overly concerned with the prestige of the organizations that we work for. One of my wise students called it “Name Sickness,” which he saw around NYU students. I bet…I think the best public interest lawyers are those that recognize that recognition belongs to the clients, not themselves. I just wanted to use an example of one of my public interest alums who is just amazing. She and a classmate – Una Chattergie and Andrew Freeman – who, when they graduated, started an organization called Make The Road By Walking, in Birchwood, Brooklyn, which really takes as its principle that its clients - it's a community based organization and the members decide what they're going to work on, not the laws, not the legal staff. The legal staff is only there to serve the clients. In their publications and in their work, you never hardly even see who the legal staff is. It's all about the clients. I think it's a very effective way to do lawyering and I think that's a very important thing to point out.

I think our concern with this as lawyers and law students may be because our society often so much values celebrity and recognition over actually getting things done. Perhaps we desire the recognition as a substitute for the financial compensation we're not getting. I've been privileged to work for many public interest organizations that do have name recognition, like the ACLU national office. In fact when I left the ACLU national office to go to ACLU New Jersey, many of my colleagues questioned me. They said, "Why are you going to leave the national office to go to a small state office in New Jersey of all places?" It turns out that that, outside of the current job that I have, was my favorite job I've had that I really liked working in a small office on a statewide level.

So I encourage you as you're thinking about where you want to work to really think about what you would be doing in your every day tasks. I think that's what really makes people happy. I even encourage you to think about it as you’re choosing your internships. Make sure that you're going to be doing tasks that are going to leave you happy. I know we
have a lot of students that do internships and that I find that the best blend for our students are internships that involve some research and writing. They're all going to mostly involve that because that’s what they want out of you. Some client contacts, some going to meetings, things like that. So look for that blend. Look for things that are going to satisfy you on a daily level, and then prestige will be less important.

So myth five is no clear career path in public interest law. Well, I think that is the actually not a myth. It's a truth. It's a truth that should be celebrated rather than denigrated. Public interest as a field is relatively new. It's only about 40 years old, with some exceptions. For example, in New York we have a legal aid society which was started by German immigrants in 1876. But…the otherwise…with those exceptions, before the 1970s, there wasn't really a field in public interest law before the 60's and 70's.

Public interest arose with kind of three big things is the way I analyze it. One was the rise of the civil rights and the women's rights movements in the 60s and the concomitant funding by the Ford Foundation of law reform organizations to do impact work, like the NAACP Legal Defense Fund. Two was the guarantee of lawyers for those accused of major crimes in 1963 in *Gideon vs. Wayneright*, the Supreme Court case, which led to the creation of public defender offices. And three was the creation of the legal services corporation in 1975, which lead to the creation of legal services offices all over the country. So that is really..what really…this field.

So the lack of a clear path, I think, means that you have many ways to live your vocation. I encourage our students to consider serving in parts of the country that they might not want…might not have considered: to especially consider serving in parts of the country that are very underserved, like Appalachia or the South. Some people say that doing public defender work in the South is this…should be this generation's civil rights’ struggle. Although we have public defenders guaranteed, the quality is a whole other issue. The quality in a place like Seattle…I don't know if you realize it but you have what is regarded as the best public defender offices in the entire country here in Seattle. It's vastly different from the quality of public defenders’ offices in Georgia or New Orleans. I’m glad to talk with you folks about this afterwards. There's good people who are trying to improve the quality of that but they need people like you down there.

So I consider it - I would like you to consider working different parts of the country and I also want to say we hear a lot of talk I know at our law school…years ago about how hard it is to find your first public interest job. It is hard to find your first public interest job but we talk a lot less and I want to encourage you…to say that it's not hard to find the second, third, or fourth job. In my experience, those jobs just fall in your lap. So that although there is a big irony that it's easier to find a job in a corporate law firm than to find a job in legal aid as your exiting four years out of law school, those lawyers often want to exit because they're unhappy. It's harder for them to find an exit strategy. Whereas when you're in the field, it's easy to find one job…it's easy to move from job to job.
So I think the truth is that a public interest career is very textured and very full of opportunities ranging from career litigators to those people who start or improve organizations, to those who create innovative government programs. I think a good example is the Defender Association here in Seattle which Bob Virtua… I think is his name… he came here, I think in 1974, and really changed it. It wasn't always great. He changed it by developing the intern program fighting for low ceilings and lobbying for more money to be one of the best places in the country. Another example is a woman I know graduated at NYU who worked in an NGO doing reproductive rights work, then went to the attorney general's office also doing reproductive rights work and now has gone to the city government to develop a program to encourage women to nurse their babies. Very, very different, right?

So I think there's many, many things that people can do. Another example is myself, being a public interest career counselor. In retrospect, the very jobs I was did was preparing me perfectly for this. In hindsight, I never thought I would be doing that with all these jobs. So in retrospect your career looks really well planned, but the fact is that the lack of a career path can be very liberating because it can really make you think about what makes you happy and try different things of what we hope would be a long time.

Finally, I have the last two myths. Myth six is that you will work long, grueling hours. Oh, so that one is I'm going to say is half true. You will work long hours, but they will not be grueling, because you will decide if they're necessary. I think what people don't talk enough about when they talk about the hours they work is who decides as the tag line of NARAW for abortion is who decides. Really on work hours, who decides is crucial. I think most public interest lawyer employers really expect their lawyers to live balanced lives and when we do work long hours, it's okay. It's rewarding because we do it because we have a trial, we have a brief to write, we have a legislative session to prepare for, we have a meeting to attend. So the work is real, it's not artificial. It's not someone coming to you at 5:00 saying I need you to do this on Monday and you don't really understand why they didn't give it to you earlier in the week. I'm somewhat surprised by the long hours I work now. Really, outside of spending a lot of time with my kids, who don't always want to spend a lot of time with me…and spending time with my family…my friends…really, work is what I want to do. I really like working, although I really like my time consuming hobbies like gardening. So I think that with this one, it's… I think that the reality is that public interest law allows you to do work, which is important, which is under your control and therefore the hours are sometimes long but they're never grueling.

To back me up on this, I wanted to read you a poem, because I feel like you probably don't get read too many poems in law school. This poem I think shows you how you can be of use and that you're going to do real work. I was encouraged, I actually brought this poem with me then I actually saw it on the shelves bulletin board, too, so this is how the public interest career counselors really like. It's called “To Be Of Use:”

The people I love the best jump into work head first,
without dallying in the shallows,
and swim off with sure strokes almost out of sight.
They seem to become natives of that element,
the black sleek heads of seals
bouncing like half submerged balls.

I love people who harness themselves - an ox to a heavy cart:
  who pull like water buffalo, with massive patience;
  who strain in the mud and the muck to move things forward;
who do what has to be done, again and again.

  I want to be with people who submerge
    in the task, who go into the fields to harvest
    and work in a row and pass the bags along,
  who stand in the line and haul in their places,
who are not parlor generals and field deserters
  but move in a common rhythm
when the food must come in or the fire be put out.

  The work of the world is common as mud.
  Botched, it smears the hands, crumbles to dust.
  But the thing worth doing well done
    has a shape that satisfies, clean and evident.
  Greek amphoras for wine or oil,
  Hopi vases that held corn, are put in museums
    but you know they were made to be used.
  The pitcher cries for water to carry
    and a person for work that is real.”

That's by Marge Pearson.

That's a nice segue way then to nick the final myth. Myth seven: that you could make
more change by being wealth and giving your money away. Certainly, it's nice if you're
wealthy to give your money away, like someone has done for this building, and someone
has done in creating the Gates Scholarship Program. But I think the truth is that generally
philanthropy is not an effective way to make change. You may not have thought of this
myth quite the same way, but people often do say, "Well I'm going to go to a law firm,
I'm going to make good money and I'm going to give my money away and help out
people." The truth is that I think that most philanthropy as charity is not really designed
to make change, not designed to take away the things that oppress us. Much of - it goes to
the most elite institutions, symphonies, museums, Ivy League universities, and
increasingly it reflects our society's emphasis on wealth and celebrity by making - by
having buildings and scholarships and schools named after donors.

In contrast, I think law - a career, a calling, a vocation of public service law - can really
be transformative. I believe that lawyers can really change hearts and minds. I'm going to
close by giving you another example. This is an example of sex harassment law. Sex
harassment was a problem that women had experienced for many, many years, but it was
never named. In fact, the law - the federal employment discrimination law that I
mentioned later has changed so much in the field of work, does not prohibit sex
harassment. It never said anything about it. In fact, women were only added to a law to
make it so ludicrous that it wouldn't pass, because we thought well, if we add sex to this
law, then nobody will vote for it. It was really intended to prohibit race discrimination. It
did pass though and it did pass discrimination against women, but again, no mention of sex harassment. Sex harassment was a problem that was named by law professors, Katherine McKinnon most notably, wrote a book about the sexual harassment of working women.

Then the cause was espoused by grassers organizations as well as law reform organizations and people started bringing lawsuits about it, and gradually the courts recognized it as a theory that should be prohibited by Title 7, as a problem that should be prohibited by Title 7. In a really relatively short time, in 15 to 20 years from the naming of it, it was prohibited by title seven by the United States Supreme Court. Now of course sexual harassment has not ended but it's really changed. It's really changed in my lifetime so that people...companies now, to avoid liability, do, for example, trainings. The threat of liability can be a big factor in changing people's behavior. I don’t know for changing hearts and minds, but we're changing behavior and for the woman who is not sexually harassed, changing in behavior is important. So people try to do, companies try to do training to prevent sexual harassment.

I think the effect of this was brought home to me when I listened to a talk by Barbara Ehrenreich who wrote a book called Nickel and Dimed where she had gone out for about a year and done different blue collar jobs and wrote a book about her experience. She said the one thing that all women knew is that they had a right not to be sexually harassed, no matter how lowly the job was. That made me feel really good and was a really dramatic example to me of how in a relatively short time, law had really become transformative in changing the lives of many, many people. That's law again to hearken back to my earlier truths, I think that was done by NGOs, by the government and ENC and by many private employment discrimination lawyers because the law does provide for attorney fees so they would have a reason to bring the case.

So in closing words I want to say taking all of this, be the change that you want to see. That each of us putting starfish back into the ocean is probably a pretty futile task, but working together we can save many starfish.

Thank you for your attention today.

So I'm glad to take questions. Comments? I always know no one asks a question right away but eventually someone will.

(Question)

Good question. So I was telling Michelle today when we were talking this morning that one of my favorite books in the world is called Seven Habits of Highly Effective People and that one of the habits is to begin with the end in mind. So when students wanted to come to me for counseling, I say, “Okay, I want to take a step back. I know you're here to talk about your 1L summer job search, but I want to ask you why you came to law school and what you think you want to do when you graduate.” I find that students know more
than they think they do about why they wanted - what they want to do. So I can't think of a really generic answer. I think it is going to depend on what they think they want to do.

In general I would say I think it's really good to think about skill building. I think students think more sometimes about issues and less about skill building. Law school after all, if it's teaching you anything, it's teaching you how to research. We live in an internet information age and it's much easier to acquire knowledge once you've built skills. I think public interest lawyers can move from field to field. For example, one of our alums worked for years in the public defender service in DC, also a great public defender office, and then went on to be a labor lawyer, because he had those trial skills.

He didn't actually come into law school thinking he wanted to be a labor lawyer, other people have told me, this guy’s like ten years out. He hadn't done it in law school but then decided to be a public defender now he's going to be a labor lawyer. I think that the most important thing is to build skills, really. To think about and to build both strong skills on your feet, if you want to be a litigator, to get litigation experience I think it's much better early on. I often council students if you think you want to do litigation, the best way to do that is in criminal justice or in civil legal services because those are the cases that are more likely going to be in court. A lot of times, I say this to students, if you think you want to do policy jobs, think about doing those a few years down the road. It's better to go into those as I think some would call like on the ground experience. Then I think to go back to your question: “Well, how does it affect your 1L summer?” If you think you want, for example, be a public defender, I try to say this to students, think about your whole law school comprehensively. Think about your clinics and your summers, think about whether you’re going to do your 1L and 2L summers in public interest so we know what we have to work with.

So if you want to be a public defender, you want to get public defender experience somewhere along the line but you don't have to do it every time, you know? To do public defender clinic in your 1L and 2L summers. I would do one summer as public defender, probably also do a public defender clinic and do another summer of doing something differently. I council students to really try to get direct service experience sometime in their law school career, whether it's a clinic, whether or not they think they want to do it, to try that out. Some kind of experience working with people, whether it's on the civil or criminal side. Also to get research and writing experience, but also I think that's easier to come by but there are cases where students had too much client contact and not enough research and writing experience. So I really want them to get both. I council them to try and really get skills in all those areas that you come up being a good researcher and writer or being a very good - you know public interest attorney has low resources. So you have to do the writing you do fast. I also think Clerks is a really good thing to do. I clerked for the 11th circuit in Montgomery, Alabama and clerking teaches you how to write quickly and effectively. You stop obsessing about your writing because you don't have time to obsess so that was a good training, I think. Is that helpful? Okay good. Then I think a lot of it depends on the individual.

(Question)
I'm the walking bad example of that. I've taken three bar exams. Passed them all. That is a tough one. It is a tough one. I agree. My best advice from my own bad example is to - when you do take a bar exam, think where you might want to go next and try to use your multi-state bar score while it's still good, if they use the multi-state. I'm just used - Washington does not use multi-state. So there is a website, the National Conference of Bar Examiners I think is www.ncbe.org where you can look it up and try to figure it out. I would say it's not that hard to do all the bar exams. You know, like the southern ones are pretty easy. I took the New York bar with a bar course and then I took the Alabama bar just by myself and I passed. So it gets easier as you get farther out to do essay bars. And probably less easy to do them. I don't have any easy answer about that except to see if you can go into a state that will make you waive in somewhere else later. There are states that will let you waive in somewhere else after five years of practice. In general, they're not states that people would want to retire to. That's my analysis of the rules. So Florida, California, Arizona or states that are really worried about other states encroaching on them. New Jersey has one of the strictest bar rules. Like that is a problem in Georgia. So Georgia has this honors program trying to get good public defenders but they want you to commit to taking a Georgia public defender, I mean Georgia bar exam. The only other thing I can say is with anything in life, think rules are there sometimes to be broken. If they say they won't hire you until you pass a Georgia bar, talk to them and see if they can give you a wink and a nod and make you a commitment to hire you so that at least you're not taking a bar for no reason. Never take the DC bar. The DC bar you can waiver too. Anywhere. There's an easy answer, they should just get rid of bar exams. Any other comments, questions?

(Question)

I think that's a really good question and I kind of dodged it a little bit by saying your tuition was lower. I don't actually know what the tuition is of compared to social workers. I don't think that it's that much lower. I think other professions have this problem. I don't know. It's somewhat lower though. I do think that the responsibility should not just be individual. I do think that institutions do have and I guess the question to me is the responsibility of the law schools or of greater societies. I guess I would rather say it's both at this point because I think it's a big problem. So for example at NYU, we really work to build our loan forgiveness program, and that's a very important thing to me. In fact as much as I like our current return program, which gives full tuition, I think it's problematic and if I had to start from scratch, I might just put the money into ELREP because of that problem. It's hard to say to people make a commitment before you come in, but it’s a commitment and then a few people do go to firms. We are trying to discourage it, and I try to get them to pay the money back and some of them are. I think loan forgiveness is very important, and the loan forgiveness can be funded by people going to law firms. At NYU we're spending $3,500,000.00 in loan forgiveness for our public interest students. So we're really putting them, we're really helping them a lot. I think we may be spending more than any other school on that. I also know that there's a bill in congress right now to give loan forgiveness to public defenders, and I think that's important too. So I guess my answer is that my answer's two fold. One, I think that it's a
serious problem and that we as the institutions need to work on it and the broader society needs to work on it. Some employers are working on it too. Two, I think it's not a complete answer though because what happens is I see students going to law firms to pay off their debt and then they stay forever. So if you are going to go to law firm for that reason, which is going to work out to be the reason for some people, right? No matter what, they may not have ELREP. They may not have come to school with low tuition. They may not have a job that has that to loan forgiveness. ELREP is our acronym line. I realize I shouldn't use that. Then I say, still think about all those - don't shackle yourself by living a lifestyle. What I see so often is people say I'm going to go there for three years and then I had a woman sitting in my office who was about five years out the other day and I can't think about living on less than 150. I don't know how it could be done. Well trust me, it can be done. I said I've never heard of 150 and I actually have a really nice life. That's when I decided to put that in this speech because I think we don't just, we're not explicit enough about it. So I say two things. If you're going to go to law firm to pay off your debt, it can be done, you can get out, but you have to one, live like a public interest lawyer. Bring your lunch, in New York take the subway, here take the bus. You've got to really be very determined to just start out living that life. Two, you've got to do pro-bono work, you've gotta to work to get you out. The other problem, at least what I see in New York, and I assume that's somewhat true here is that they're so big that you're not going to get any real work. Like you proof read. The ironically you’re doing very unsophisticated work a lot of time as a young associate. Public service demands, they need you so much that it demands you to be very sophisticated very early on. We need more loan forgiveness, or law school tuition to go down or something.

(Question)

No, our extra office of student financial administrates it. It started from a donor who is public, it was Melvin and Barbara Wise, and he runs a big law firm, actually the law firm is under indictment. The - I can't remember the full name of the law firm, but he does plaintive securities actions and he donated a lot of money to the loan forgiveness and we are in a major law school fundraising campaign and one of the major pillars of it is for loan forgiveness. What I find interesting is that even people who are not from a fundraising perspective, and I'm not a fundraiser but I think about it a fair amount, is that I think a lot of people who work in law firms really still want to give to a law school that has a strong public service identity. So we do a lot of our fundraising about our public service. The other thing we've done at NYU since 2003 is that we have guaranteed summer stipends to every law student that wants them. That's cost us a $1,500,000.00 a summer. So that we're giving $4,000.00 to every 1L student. $5,000.00 for every 2L student in order to build a culture of public service. We realize a lot of the 1L students who are doing it and going to go to firms after and that's okay because we also want our students to go to firms and do pro-bono in their lives. So that's fine. It's not just about training people to do public service - to be public service lawyers but it's partly about that. Though I think the financial support is very crucial. I know that we have resources but it's also where you choose to put your resources and what you choose to fundraise about. I think you can make pitches on this stuff. It's - someone said - my colleague who runs the office of career services when I started this job, she said, "Deb, if you had your
way, everybody would be a public service lawyer, and then we would have no one to give us money and run the programs." I said, "Irene, that's just one of those worries that we don't have to put on our list of worries." I just don't think we have to worry about it.

(Question)

Thank you for that. That's a great question and I did make kind of a - sometimes we have to make categories in order to talk about things, but we also by making categories don't necessarily reflect reality and so I - thank you for that question. I would call law firms like that the third way, which I'm borrowing a phrase from a student, because we have those law firms in New York and everywhere. Actually I had lunch with a bunch of NYU alumni at the East Center in Washington today and some of them were at little law firms like that that started out at other public service places. I think that's a really good alternative. I thank you for bringing it up, and it would have been better for me to bring that up too. I think that's a really good thing for people to think about. It's also not something that law students, most of those people do not go into law at those kinds of law firms when they graduate. It's one reason I talk about it a little bit less. It's a good thing to be aware of. It's something that people often do further down the road. It's a way to make more money and yet be doing good. Sometimes it gives you more flexibility and it's a really good alternative. There's a lot of people I know who have left TBA and there's a lot of good criminal defense offices in the city. It's true all over the country. So thank you very much. That's a really good point.

(Question)

Well, all I can say is I guess two things. One is I think we've been under attack before so that this is not the only time it's happened. I still think the whole, to encourage you, I think that the whole movement of - we're still achieving good. Things are still better than they were 30, 40 years ago. Better than they were 20 years ago. So it's very easy to be despairing and I think my job is to say to you that yes we're under attack and we will always be under attack. We just need to be smarter. We need to do better public education campaigns. I think one thing we've learned, for example, is that doing big lawsuits like Brown vs. Board of Education and Roe vs. Wade are not good if they don't also include building a cohesive face, right? So I think that we’ve learned things. There’s also a very provocative article last summer in New Republic saying that maybe Roe vs. Wade wasn't the best thing to do. But you know I'm not so sure that's easy to say in hindsight either but it actually analyzed: If it's ever overturned, will states criminalize abortion? Probably not when push comes to shove because people will rise up. I think that there's many - I don't want to say there's not many attacks and many problems. I think there are and that's why we need you. That's why we need each and every person in this room. I'm not trying to say it's easy but I don't want people to get discouraged. I don't want people to say that there's so many problems that my making a difference won't make a difference. It does make a difference. It's just to say that that's been true before. It really has been. I'm sure Michelle, anyone who's been doing this work for a long time - just to - my dad always says, if there wasn't a problem to be solved there'd be no reason to pay you. Right? You have to go to work every day expecting a problem. I think that's true on
a larger scale too. It’s work for a reason. Another friend of mine says, "There’s a reason why they call it work."

(Question)

I think that it's good to work on issues that you, that's better to build expertise and issues if you can. Like I started out doing women's rights work without ever having done women's rights work and built on I'd done employment discrimination work. So that could - that's a lot of what women's rights work was. I think on policy too that the skills are going to be very important and you can build knowledge but it helps if you can show something or can do something. Like when I do council students on how to write a cover letter, I say first write about your skills, then write about your knowledge and draw from your knowledge where you can. Maybe from your class, maybe from something you’ve done a while ago. I do think even in policy work, it depends on how sophisticated it is, but I've seen people go and do totally do different things than they have done before because they have the skills. Like being may be an executive director of one organization and go be an executive director of a totally different organization that did different kind of work. Now it would be better if they knew about the other organization's different type of work but they could get up to speed on the work pretty fast, but they can’t get, if they don’t know how to fundraise, they wouldn't be hired as the ED. So I still think it holds true.

(Question)

Well first of all, I'll say that I don't make it my expertise to know about firms, because I feel like I’m trying to know about too many other things, so at my school I say, "Go talk to the Office of Career Services’ people." But I do know a little bit. One is I just went to one meeting once where the firm said, you know we really want people to ask about pro bono. Because and this is the pro bono coordinator saying it. They said if students don't ask about it, then we have nothing to sell. We need students to ask about it. So I think they should especially ask about it. So that's the first thing, you should exclusively ask about it. The second thing I think is just kind of common sense. You need to talk to people who are there. You need to, just like for an internship, I say to my students don’t take an internship without talking to someone who has interned there before, or we have our students write reports on places. So read the report and if there is no report on that place, get - ask the organization for someone who has interned there and email them. So I think you have to ask and make sure, because I think there is a wide variation in what firms do on that. Some, I have talked to people, actually I talked to some of my roots from the past year who are at firms trying to get money out of them from December. I'd say, "How are you doing?" Some of them say, "Oh I'm great. I do so much pro bono work.” And some would say, “I hate it.” So just from that experience I realize that there's a big variety. I mean some people say they spend all their time doing pro bono work. That's probably rare. I think that just - you have to dig a little deeper, but I think you should also ask the firm for their policies.
Thank you. You're a great audience. You're very attentive. I appreciate all the great questions.

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