

LAW IN THE PUBLIC INTEREST: AN OVERVIEW OF NON PROFIT ORGANIZATIONS, LEGAL SERVICES AND PUBLIC DEFENDERS

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INTRODUCTION

Given the opportunity, many lawyers prefer practice in a government¹ or public interest setting to the private practice of law. While the work generally is not as well-paid and the working conditions may be less than ideal, these lawyers are inspired by the value they perceive their work contributes to society, and by a shared sense of mission. There is always more than enough work to do, and challenging projects with significant responsibility arrive much earlier in the career of the public interest lawyer.

I. LAWYERS IN THE NON PROFIT SECTOR

In the United States, non profit organizations are those founded to further a public or community interest, most of which qualify for tax-exempt status. While the Internal Revenue Code contains more than 25 different classifications of tax-exempt groups, including professional associations, religious establishments, civic leagues, fraternal organizations, and social clubs, the practice of law in the public interest tends to focus specifically on non profits with an educational or charitable mission, and labor unions.

Non Profit Advocacy Organizations

Typically organized around a specific area of policy interest or law reform, non profit advocacy organizations use various forms of outreach to advance their agenda. Lawyers in these organizations write books, articles and blogs, draft model legislation, testify before representative bodies, hold conferences, offer trainings, conduct surveys, speak publicly, submit briefs in support of court appeals affecting their issues, and otherwise attempt to sway voters and lawmakers in support of their positions. Examples of these organizations are: (1) The American Association for Retired People ("AARP") part of whose mission statement reads: "AARP is dedicated to enhancing quality of life for all as we age. We lead positive social change and deliver value to members through information, advocacy and service," (2) Common Cause, which characterizes itself as the "citizens' lobbyist," and (3) The National Consumer Law Center, which describes itself as "the nation's consumer law expert, helping consumers, their advocates, and public policy makers use powerful and complex consumer laws on behalf of low-income and vulnerable Americans seeking economic justice."

Non Profit Litigation Organizations

¹ For more information about government practice, see *Working for the Government*, available in Career Services.

Similar to advocacy organizations, these groups are also organized around an issue or a policy and use many of the same tools as the advocacy groups. However, they also focus on furthering their agenda through impact litigation, often class action litigation. Examples of these organizations are: (1) The American Civil Liberties Union; (2) The National Voters' Rights Institute, and (3) The Innocence Project.

Labor Unions

Labor Unions are legally recognized representatives of the workers in numerous industries, advocating for legislation and policies favorable to workers. Lawyers representing labor unions are involved in complex employment negotiations that lead to collective bargaining agreements, and their subsequent enforcement, in addition to other forms of advocacy and education on behalf of workers.

Non Profit Law Firms

Non profit law firms are composed of lawyers who exclusively represent low income clients who would otherwise have difficulty getting access to legal remedies. (This is by comparison to some private, for profit law firms that represent lower income clients on a sliding scale basis, but may also take on hourly fee-paying clients as well.) They tend to focus on either a particular category of client or a particular category of cases. Examples of non profit law firms are Disability Rights Advocates in California and Health Law Advocates in Massachusetts.

II. LEGAL SERVICES

When lawyers speak of "legal services" they are generally referring to the programs located throughout the country that are funded by the federal government through the Legal Service Corporation (LSC) to provide civil legal services to low income clients. Federally funded legal services was born out of the "War on Poverty" in the 1960s. The program created a nationwide pool of poverty law litigators who, by the late 1970s, had created a new body of law, forcing the courts and all levels of government to recognize the rights of the indigent with respect to public benefits, such as Medicare, Social Security, access to public housing and food stamps. Inspired by their success in representing individual clients in discrete cases, legal service lawyers began to take on more systemic efforts at law reform, in particular using class actions to sue local, state and federal governments.

The new emphasis on systemic reform quickly came under political attack. Multiple efforts, still on-going today, were made to eliminate federally funded legal services entirely. While failing to eliminate the program completely, opponents of the program have succeeded reducing the funding significantly and in putting many restrictions and limits on the work legal services organizations can do. In 1996 Congress cut the budget of the Legal Services Corporation from \$400 million to \$278 million dollars, resulting in many lay-offs and office closings. It has also prohibited programs

funded by the LSC from representing aliens or prisoners, taking on cases involving desegregation or abortion, taking on cases that were potentially "fee-generating," lobbying, claiming attorneys' fees, challenging welfare reform legislation and filing class actions.

As of today, LSC funded legal service programs can offer routine representation to individual clients on a limited group of issues and are effectively barred from systemic law reform work. However, there are still programs scattered around the country that have rejected federal funding, found other sources of financial support, and continue to do the work the federally funded offices are barred from doing.

III. PUBLIC DEFENDERS

Public defenders represent indigent individuals accused of crimes. Every state provides constitutionally mandated criminal defense counsel for the indigent, but the services are structured, supervised and funded in many different ways. However, a common denominator of public defense work is lots of client contact, constant trial and motion practice, a heavy caseload and serious responsibility very soon after you begin the job. Defending people accused of crimes is also an emotionally demanding area of practice, and one that is often misunderstood or disrespected by the general public. Nonetheless, many lawyers who see themselves as champions of the downtrodden and as essential to the fair and honest functioning of our judicial system, find it to be deeply satisfying work.

SOME USEFUL RESOURCES FOR MORE INFORMATION

For job postings and information about working for a legal services organization or as a public defender, check out the website of the National Legal Aid and Defender Association at www.nlada.org.

For a comprehensive website on union side labor law, check out www.peggybrowning.org.

For learning about non profit advocacy and litigation organizations, try the organizational database in PSLawNet: www.pslawnet.org or www.idealists.org.

The National Directory of Legal Aid and Defenders Offices is available in searchable form on Lexis-Nexis under the Reference-Career Development tab.