

Structuring an Effective Associate Public Interest Placement Program: Tips from the Public Interest Community

In the midst of the current economic upheaval, many law firms are facing a dramatic short-term decline in the amount of work coming in. As they try to manage their future workforce in the face of this slowdown, some firms have deferred the arrival of their incoming associate class and are providing stipends for them to work for a period of time in the public interest. Some firms are offering similar public interest opportunities to under-worked associates as well. At a time when public interest law organizations are also experiencing dramatic financial shortfalls, this could be a wonderful win-win situation. But simply providing an associate with a stipend is not enough. Structuring a successful associate loan program requires careful thought and a fairly high degree of structure. In recent weeks, many law firms and public interest organizations have put a great deal of thought into how to maximize the value of programs like these, and, frankly, how to minimize the risks as well. What follows is a short distillation of some of the best thinking to date on this issue.

Consider the Basics: Employment-related Questions

- Is the associate an employee of the firm during the placement?
- Is the public interest placement organization unionized? How might this affect a placement arrangement?
- What, if any, conflict-of-interest check procedures must be in place?
- By whom is malpractice insurance coverage provided?
- How will the associate be monetarily compensated?
- How are medical/dental/disability/other benefits provided?
- Will employment status (and income) affect the associate's eligibility for a public interest loan repayment program? What other tax consequences must the associate know about?

Consider These Important Concerns Voiced by the Public Interest Community

- **Thoughtfully structure your application/interview process.** Public interest organizations will want to play a role in carefully selecting the associates to be placed in their offices. Associates' past experiences, subject matter expertise, and willingness/ability to adapt to the varying public interest office environments will be critical factors in making the best matches for your associates.
- **Housing and supervising an associate takes time from already overworked staff.** Public interest organizations will have questions about whether it is worth the considerable cost to take on an associate for 6-12 months. Have discussions with the organizations about how to best leverage associates' skill sets. Reach out to firms that already run "loaned associate" programs to learn how they operate most efficiently.
- **Funding and in-kind support are needed too.** Public interest organizations are in the midst of severe funding crises. Remember the old song lyric about sending "lawyers, guns, and money"? In this case you should send lawyers, laptops, and funding.
- **Is the associate guaranteed employment with your firm after the placement?** Public interest organizations want clarity and transparency as to the future relationship between the law firm and deferred associate. Even if it is not a firm's intention, a sudden course correction regarding a deferred associate's future in the midst of their public interest placement could, at a minimum, leave a host organization feeling out of the loop. Or

much worse, the host could think the firm acted in bad faith by trying to find a landing pad for a “dumped” associate.

- **What can be done to increase the associate’s awareness of public interest culture?** This is a significant concern resounding from the public interest community. While many firm associates have an understanding of public interest culture – and the very different “daily routines” at public interest offices compared to law firms – not all associates do. A joint orientation through which the firm “connects” the associate to the public interest host might be well received by both your associate and the host organization. One topic to cover: Sensitivity to the fact that your associate’s stipend may be more than the public interest executive director’s salary.
- **How can the associates most efficiently and effectively support the mission of their public interest host?** Many public interest offices are cutting back on community outreach, legislative advocacy, and longer-term policy advocacy so that their staffs can meet overwhelming client demand for direct representation. In these circumstances, law firm associates may best serve the host organization’s mission and clients by filling in the gaps left by re-tasked staff attorneys. Explore with your associates their willingness to participate in community education initiatives, and/or to engage in policy/legislative advocacy. Depending on how conflicts of interest are handled and the associate’s employment relationship with your firm, bringing the weight of your firm’s name to this kind of advocacy may yield great results for the public interest host.

Find and Partner with the Right Public Interest Organizations

- Do firm partners/senior associates sit on boards of public interest organizations? Do associates have ideas about where they want to go?
- Work through **local or state bar associations/foundations** and **pro bono clearinghouses** to make public interest connections. Bar associations usually include a consortium of public interest organizations. Bar foundations often play critical roles in funding the public interest community. Pro bono clearinghouses can provide invaluable expertise in helping firms create a bridge to the public interest community.
- Can you create a **sustainable “loaned associate” program** rather than a one-time arrangement? These difficult economic times present a long-term public service opportunity for your firm. Do not act rashly in setting up your program. Rather, think about how you can lay the groundwork for an efficient, effective long-term collaboration that benefits your firm and your public interest partner organization. Many law firms have run successful loaned associate programs for decades.
- **PSLawNet** – NALP’s PSLawNet website (www.pslawnet.org) is the premier public interest law job database. As a service to the legal community, PSLawNet is operating as an online clearinghouse for public interest organizations to advertise themselves as law firm associate hosts. This service is free both for NALP member law firms and associates searching the listings and for public interest organizations to post notices. Remember that PSLawNet is a very useful general research tool to find hosts, but there is no substitute for working with pro bono clearinghouses and public interest organizations with which your firm has long-term relationships.

Law firm pro bono counsel and nonprofit pro bono experts across the county remain vigilant in providing resources to address law firm public interest placement program opportunities and challenges. To connect with resources and individuals who can help, contact Steve Grumm, NALP’s Director of Public Service Initiatives, at 202.296.0057 or sgrumm@nalp.org.