

**CITY BAR JUSTICE CENTER
REPORT ON THE
DEFERRED ASSOCIATE LAW EXTERN SUPPORT PROJECT**

This Report reflects the efforts undertaken by the New York City Bar Association and the City Bar Justice Center for the Deferred Associate Law Extern Support Project from August through December of 2009, with generous support from The New York Community Trust.

I. Who We Are

The New York City Bar Association, since its founding in 1870, has been dedicated to maintaining the high ethical standards of the profession, promoting reform of the law and providing service to the profession and the public. The Association continues to work for political, legal and social reform, while implementing innovative means to help the disadvantaged. Protecting the public's welfare remains one of the Association's highest priorities.

The City Bar Justice Center is part of the City Bar Fund, the 501(c)(3) affiliate of the New York City Bar Association. The City Bar Justice Center staff and pro bono attorneys assist over 20,000 clients each year and operate the largest free general civil legal hotline in New York City. The Justice Center's close relationship with the private bar, and long experience responding to emerging legal needs including disaster relief, gives us a unique ability to leverage pro bono civil legal services.

II. Overview

The legal profession was adversely affected when the financial markets spiraled downward in 2008. Layoffs, salary freezes, furloughs, and deferrals became part of the landscape at large law firms. At the same time, public interest legal organizations suffered from the downturn in the economy which reduced not only private donations and foundation grant making but also public funding sources such as IOLA. In 2009 some of this was buffered by stimulus funding for areas such as foreclosure and homeless prevention. As this project began in Summer 2009, there was great concern in the legal profession that public interest legal organizations were facing an increasing population of people in need with diminished resources.

In an effort to address these concerns, law firms deferred graduating law students scheduled to arrive at the firms in the fall of 2009 and some offered them a portion of their salary to work at public interest legal organizations. Some firms offered or expanded existing paid externship opportunities to experienced attorneys as well. There was not a uniform approach regarding deferments. The length of the deferred period varied (from four to twelve months) with some firms offering multiple start dates. The voluntarily nature of the deferments (some were mandatory, others were not) and the requirement that they work for a public interest legal organization and/or non-profit (some required it, others did not) differed. In addition, the benefit packages offered to deferred associates (pay, health insurance, bar fees) varied.

With the growing list of firms deferring associates nationwide, the public interest legal community braced itself for an influx of graduating law students seeking deferred placements. The New York City Bar took an early role in fostering dialogue between the firms and the public interest community in the hopes that some of the furloughed lawyers could be deployed to help meet the needs of New Yorkers at risk. In our view, ensuring that the deferred associates' needs were being met, and that the New York legal community was ready for the challenge of absorbing and deploying these resources, were areas where the City Bar could play a productive role. Specifically, the City Bar created a web-based database listing extern placements to facilitate the matching of interested deferred associates and public interest legal organizations. (See Exhibit A and http://www.nycbar.org/Fellowship_Opportunities.htm). In addition, in early April 2009, we convened a meeting of IOLA-funded NYC public interest programs and pro bono coordinators at law firms to foster a dialogue to identify issues that may arise in forging deferral programs, including but not limited to, issues surrounding space constraints, supervisory support, additional overhead costs, malpractice insurance, increased caseloads, screening, performance, integration and motivation issues for deferred associates whose firms required them to obtain deferred placements. (See Exhibit B). This early meeting surfaced strong concerns by public interest organizations about managing increased caseloads once the deferred associate returned to his or her firm and adequate supervision and training. In addition, public interest organizations uniformly said that the option of asking the deferreds to return to their firms early was not workable for the host organizations.

Despite these challenges, the public interest legal community prepared to welcome the deferred associates as a resource into their organizations at a time of funding constraints and a growing need to serve clients who faced great difficulty as a result of the recession. Notwithstanding this positive development, many public interest organizations expressed concern that the deferred associates would not be able to quickly tackle the work they would encounter given their private law firm experiences, particularly those who did not take pro bono legal clinics and public interest courses in law school. The New York Community Trust shared this sentiment and offered funding to the City Bar Justice Center and Pro Bono Net to coordinate a program for deferred associates. The City Bar Justice Center would develop and provide the deferred associates with a series of training sessions that would allow them to obtain the hard and soft skills needed to succeed at their externships and upon their return to a law firm environment. Specifically, we created the Deferred Associate Extern Support Project ("Project"), which offered a fall 2009 training program that served deferred associates in the New York and metropolitan area. (See Exhibit C).

III. Staffing the Project

Zakiyyah T. Salim-Williams became the Project Director in July 2009. She reported to Lynn M. Kelly, Executive Director of the City Bar Justice Center. Ms. Salim-Williams ably handled the logistical issues that arose over the course of the Project and served as the contact person for the deferred associates, public interest legal organizations, law firms and the media. We were also pleased to partner with Pro Bono Net as our subgrantee on this project. This report will outline our efforts and lessons learned in implementing the Project. We hope the findings will inform best practices going forward for the entire legal profession. Where Pro Bono Net has reported data to the CBJC based on the first six months of their involvement, we have included it.

IV. Outreach

Locating deferred associates in the New York City area proved to be a challenge. Given that law firms did not take a uniform approach to deferments and considering the lack of a centrally located resource detailing the whereabouts of the deferred associates, we decided to take a multi-pronged approach to finding the deferred associates, namely contacting law firms, public interest legal organizations, governmental agencies, and law schools.

A. Law Firms

Law firms were extremely helpful in disseminating information to their deferred associates as they assisted them in securing placements and remained in contact prior to placement start dates to address issues related to benefits packages and future employment at the firm. Notwithstanding, we had to employ countless hours on outreach as law firms tasked multiple layers of staff to handle deferment issues, including but not limited to, pro bono counsel and professional development and recruitment staff. Specifically, we contacted each group (via e-mail and phone) beginning with law firms that had the longest deferment periods followed by firms with shorter deferment periods. Predictably, we had greater success with long-term deferment firms and larger firms as many short-term deferred associates chose not to obtain New York City public interest placements and smaller firms had fewer New York City-area deferred fellows.

Because most law firms set up the deferral programs in 2009 with their associates as non-employees during their deferral periods, the firms were quite limited in the services (training, supervision, contact) that they undertook on behalf of their deferred associates. As a result, the law firms were grateful that we were providing their associates with professional development opportunities that will undoubtedly benefit both the associates and the firms.

B. Public interest legal and governmental organizations

Public interest legal organizations were also helpful in disseminating information about the Project to their deferred associates. Our database participants provided us with the number of deferred placements secured and the start dates for the deferred associates. We also contacted additional pro bono legal organizations and governmental agencies, including the judiciary as well as state and federal agencies, to locate additional deferred associates. Interestingly, our data shows that many of the deferred associates went to more well-known larger public interest legal organizations and to those that had long-standing relationships with the law firms. As a result, there were smaller organizations still seeking deferred associates at the start of the fall 2009 training program (and many continue to seek them today).

Below is a sample of the placements:

Organization	Number of 2009 Deferred Associates
The Legal Aid Society	37
Kings County District Attorney's Office	35
New York City Law Department	13
Legal Services NYC	8
Bronx Defenders	7
City Bar Justice Center	7
National Center for Law & Economic Justice	4
Sanctuary for Families	4
New York Attorney General's Office	4

C. Law Schools

Our law school outreach was not as successful because their contact with graduating law students was limited as is normally the case following graduation. Although the law schools forwarded the Project information to their former students' law school email addresses, it is unclear whether they actually received them. In fact, despite the law schools' efforts to assist their graduating classes in securing placements – matching students, in-house programming offering advice, job fairs and fellowships – many of the law schools were unaware of the deferral placements of their former students. Some graduating law students reported that because they were in the midst of finals at the time of the deferral announcements they heavily utilized their firms to secure placements.

V. Training Program and Project Launch

After receiving the NYCT grant, Lynn M. Kelly, Executive Director of the City Bar Justice Center, drafted a syllabus outlining a fall 2009 program comprised of CLE accredited training and roundtables. We then met with the two civil programs that were likely to host the most deferred associates – Legal Services NYC and The Legal Aid Society - to explore a collaborative approach to the training that would mesh well with their traditional substantive trainings. With strong interest from these groups in doing a collaborative training program for the deferred associates, the syllabus underwent significant changes and was ultimately comprised of a launch event which included a “Welcome to the Public Interest Legal Community Breakfast” with a keynote speaker and two roundtables discussions, and a week-long intensive training program. The New York City Bar and City Bar Justice Center also organized and facilitated additional programming throughout the fall and into early winter.

We scheduled the Project's launch and training program for the week of September 14, 2009, with the goal of providing the deferred associates with substantive training and context for some of the issues that their public interest clients are facing during these difficult times. (See Exhibit D for materials for the Welcome Breakfast and week-long training). We coordinated the date with the New York Immigration Coalition, which was also doing a week-long substantive training for deferred associates working in the immigration specialty practice area. We also set up tables for our database participants who had not secured deferred associates to publicize their programs to our audience during the Welcome Breakfast. As detailed above, we did a tremendous amount of outreach to ensure that information regarding the Project was disseminated widely. We are most grateful to our collaborators on the training: Liliana K. Vaamonde, Esq., Training Director, Civil Practice Area, The Legal Aid Society and David Robinson, Senior Attorney for Housing and Special Projects, Legal Services NYC, NYC Legal Support Unit. Below is a brief summary of the training and programming.

A. Welcome to the Public Interest Legal Community Breakfast

On September 14, 2009, we held the Welcome Breakfast. It was a huge success with over eighty deferred associates and numerous public interest legal community members (law firm pro bono counsel, public interest legal staff and law school pro bono deans) in attendance. Nina Bernstein, Metro Reporter, The New York Times, gave an outstanding keynote, entitled a "*A Journalist's Eyevuew of the Work of Poverty Lawyers,*" in which she detailed the impressive work of poverty lawyers in serving New Yorkers in need and applauded the deferred associates' decisions to work in the public interest sector if even for a short period of time.

Ms. Bernstein's remarks tied directly to two roundtables that followed, which addressed the role of legal services organizations and the broader legal community in fighting inequities faced by New Yorkers. The first roundtable, entitled "Poverty in NYC I: Legal Services and Right to Counsel Initiatives," featured Henry A. Freedman, Executive Director, National Center for Law and Economic Justice; Lynn M. Kelly, Executive Director, City Bar Justice Center; Adriene Holder, Attorney in Charge, The Legal Aid Society – Civil Practice; and Andrew Scherer, Executive Director and President, Legal Services NYC. The second roundtable entitled "Poverty in NYC II: Public-Private Partnerships to Address Inequities" featured Ellen Chapnick, Dean of the Social Justice Program, Columbia Law School; Harlene Katzman, Pro Bono Counsel and Director, Simpson Thacher & Bartlett LLP; Mark O'Brien, Executive Director, Pro Bono Net; and Jane R. Stern, Senior Consultant, The New York Community Trust. In speaking with deferred associates the week of the Project launch and throughout their deferments, many shared that they were encountering the population of low-income New Yorkers intimately for the first time and expressed great optimism about helping those in need.

B. Intensive Week of Training Programs

On Tuesday, September 15, 2009, we began our formal training with two programs entitled "Introduction to Interviewing and Counseling Clients" and "Negotiations." Professor Susan Bryant, CUNY School of Law, facilitated the "Interviewing and Counseling Clients" training, where she outlined basic ethical and skill building considerations that should be undertaken when interviewing and counseling clients. Sateesh Nori, Senior Staff Attorney, Housing

Development Unit, The Legal Aid Society, facilitated the “Negotiations” training and shared a series of tips needed to be effective when negotiating across the table from adversaries.

On Wednesday, September 16, 2009, Professor Susan Bryant and Lillian Moy, Executive Director, The Legal Aid Society of Northeastern New York, led a training program, entitled “Cross Cultural Lawyering Skills: Interviewing Clients Across Gender, Race and Age Gaps,” where they underscored the importance of taking cultural differences into consideration when interviewing and interacting with clients across racial and varied socioeconomic backgrounds.

On Thursday, September 17, 2009, Hasan Shafiqullah, Senior Staff Attorney, Immigration Unit, The Legal Aid Society, facilitated a program entitled “Case Strategy and File Management” that emphasized proper case management when working on multiple matters. David Robinson, Senior Staff Attorney for Housing and Special Projects, Legal Services NYC, Legal Services Support Unit, led a program entitled “Research and Resources” in which he demonstrated effective web-based resources on a range of legal issues.

C. Subsequent Events and Trainings

Following the Project launch, we hosted a number of events and training programs that are detailed below.

On October 7, 2009, we hosted a reception welcoming the deferred associates to the New York City Bar. The event was a huge success and carried out our mission to connect the deferred associates with one another and the larger legal community.

On October 23, 2009, Lynn Kelly, Executive Director, City Bar Justice Center, and Janet Sabel, General Counsel and Chief Administrative Officer of The Legal Aid Society, facilitated a training program entitled “Professional Boundaries: Client Relationships, Opposing Counsel and Co-Counsel,” where they discussed the importance of exercising professional judgment in relationships with clients and opposing counsel. (See Exhibit E).

On November 13, 2009, Alice Morey, Managing Attorney, City Bar Justice Center, and Lisa Pearlstein, Director, Legal Clinic for the Homeless, City Bar Justice Center, facilitated a program entitled “Evidence in Administrative Hearings & Trials: Gathering Evidence, Laying Foundations and Mock Administrative Hearing.” (See Exhibit F). The program explored measures needed to win a case, from formulating a persuasive case theory to putting forth credible witnesses and effective evidence.

On December 17, 2009, we held our final program entitled “Melding Public Interest and Firm Culture: Achieving Success at Your Externship and Back at Your Firm.” The program featured Miriam Buhl, Pro Bono Counsel, Weil, Gotshal & Manges LLP; Kevin J. Curnin, Partner and Public Service Project Director, Stroock & Stroock & Lavan LLP; Rene A. Kathawala, Pro Bono Counsel, Orrick, Herrington & Sutcliffe LLP; and Saralyn M. Cohen, Pro Bono Counsel and Director of Pro Bono, Shearman & Sterling LLP. (See Exhibit G).

VI. Training Evaluation

We received positive feedback from those involved in the Fall 2009 Training Program from both the deferred associates who attended our programming and the public interest organizations who benefited from the programming. The participants ranked the trainings as Excellent, Very Good, Good, Fair or Poor. Out of 1037 CLE Program Evaluations, there were 511 Excellent, 379 Very Good, 121 Good, 22 Fair, and 4 Poor ratings. Overall, 97.5% of the responses rated the trainings as Good or higher. A synopsis of the evaluations is attached as Exhibit H.

VII. Placement Evaluation

A. Interviews and Written Surveys

In addition to speaking with deferred associates at our programs and compiling CLE evaluations, we conducted telephone interviews with eight public interest law organizations and fifteen deferred associates in the New York City metropolitan area in December 2009, just after the completion of the Fall 2009 Training Program.

For public interest placements, we asked the organization to describe (1) costs associated with bringing on the externs; (2) training expended; (3) supervision support and hours extended; (4) recruitment and outreach efforts; (5) hiring and selection processes; (6) caseload assignment process; (7) case-tracking mechanisms; (8) contact with law firms; and (9) the impact of the externs on the organization.

For the 15 deferred associates we interviewed, we first asked them a series of background questions regarding their deferments, including requests to describe the length of deferral, whether it was mandatory or voluntary, and what funding and benefits they received. We also asked how they secured their deferments (for example, whether through their law school's assistance or the law firm). We then asked general questions about their placements, including a description of their caseloads; and the type of training and supervision they received. Next, we asked them to describe their experience at their placements, including whether they were integrated into the organization; happy with the work assigned to them; and if they felt the experience would benefit them upon their return to the firm. Finally, we asked for feedback on the Project's training and programming to the extent that they participated in it.

The interviews with both the public interest organizations and the deferred associates helped us to construct an online survey document. We designed a limited survey after determining that length of the survey would be inversely correlated to number of responses. In January 2010, we launched the online survey of the deferred associates for whom we had email addresses. We received 47 responses. Our survey consisted of 15 short questions with room for comments on some questions. Some respondents chose not to answer some of the questions in the survey. (See Exhibit I for the online survey questions, results, and analysis.)

B. Summary of Findings

Some of the significant findings were: almost 92% of those responding would recommend their placement to a future deferred associate; 89% thought the skills they had acquired in their placement would be helpful to them in their future career; and 73% responded that their interest in pro bono had increased as a result of their placement. Almost 95% of those responding rated their experience as rewarding or moderately rewarding. Interestingly, when asked to rate satisfaction with placement, “Office Space and Resources,” “Training,” “Clients” and “Supervision” were the areas of greatest satisfaction while “Colleagues,” “Integration within the Office” and “Legal Work” received lower ratings.

In terms of the structure of the deferral, more than three-quarters of the respondents were in placements of more than nine months with 25% on deferrals of 12-24 months. Over 90% reported they were receiving a financial stipend, 50% had health insurance and over 60% received a bar exam stipend.

We asked “What is the most helpful recommendation that you can make to future classes of deferred associates?” We received 21 responses. They are summarized as follows:

- Look early
- Ask a lot of questions
- Take time to find a good fit with the public interest organization
- Stay organized
- Take control of your career
- Keep an open mind
- Don’t wait for work to come to you, be proactive
- Do something challenging and substantive, don’t just wait out the year
- This is a huge opportunity so take advantage
- Find something you are interested in rather than just a prestigious name
- Try to find an established program that is used to taking interns
- You need to be self-motivated and a self-starter
- You need to learn how to figure things out for yourself and make mistakes

VIII. Lessons Learned About Running a NYC Deferred Extern Support Program

A. Strong Partnerships Essential

The City Bar Justice Center’s established partnerships with the public interest legal community and with the private law firms were crucial to the success of this Project. The public interest legal community repeatedly helped us to gather information and also disseminated information to their deferrals throughout the course of the Project. By creating a central database and convening a meeting of stakeholders to surface shared concerns early in the deferral process (April 2009), public interest organizations were able to better identify and meet the challenges of successfully hosting deferreds.

B. Tracking the Deferred Placements is a Challenge in NYC

Based on our outreach, we estimated that there were close to 140 deferred associates working for public interest legal organizations, the judiciary, and governmental agencies in New York City and the metropolitan area. Additional deferred associates worked in the private sector and elsewhere. While our efforts and training focused on the unmet need for civil lawyers for indigent clients, some of the deferred associates were welcomed into placements in the criminal area. For example, the Kings County District Attorney's Office hosted a large number of deferreds for whom they did substantive criminal law training. Accordingly, their interns did not attend many of our substantive training sessions. Judges and some federal entities such as the Federal Reserve Bank of New York hosted deferred associates as well.

C. Unemployed Lawyers Wanted to Join the Programming for Deferreds

Given that the legal profession experienced one of the worst employment markets in twenty years, it is not surprising that some laid-off attorneys and recent law graduates without jobs sought to attend our training programs and events for the experience, free CLE credit, and networking opportunities. Some deferred associates invited their unemployed classmates. In many instances, particularly for the invited friends, we allowed them to attend but it presented issues for our facilitators who thought the audience would consist solely of deferred firm attorneys. The efforts to assist deferred associates drew varied reactions from the legal community. Some unemployed lawyers seeking work at public interest legal organizations expressed resentment that the deferred associates were earning a salary paid by their firms. The resentment grew even more pronounced when some unemployed lawyers were denied volunteer opportunities by organizations who were more interested in securing deferred associates. A few of the largest programs, such as NYC Legal Department, the Attorney General's Office and the Brooklyn DA's office offered programs for both groups—deferred law graduates and laid off attorneys, but the opportunities were limited for the large population of unemployed lawyers looking to volunteer at public interest legal organizations.

D. Early Intensive Training More Popular than Spread Out Training

Attendance for our programming was strong for the initial week of intensive training, and then declined as the Project progressed. The deferred associates' comfort level grew as they received more on-the-job training and as they were integrated into their placements. Based on feedback from the deferreds, the law graduates were getting busier at their placements the further into the fall the programming went. Nonetheless, according to the CLE surveys, those who attended the training sessions in late fall found them informative and useful.

E. Collaboration is Important for Training

Our programming was successful because it supplemented the subject matter focus of training programs employed in-house by public interest legal organizations which range from formalized training programs with incoming attorneys to informal on-the-job training with supervisory support. The Association of Pro Bono Counsel (APBCO) in connection with NALP hosted a webinar entitled "Public Interest Perspectives – An Introductory Training for Private Attorneys

in Public Interest Placements,” in early September that sought to prepare the deferred associates for some of the issues they would encounter in deferred placements. Our involvement with APBCO made it possible for us to coordinate with instead of repeat their training.

We also collaborated with the New York Immigration Coalition and other organizations to make sure that our respective trainings for deferred associates did not conflict.

The deferred associates rated “Training” with high marks in the online survey. The New York Community Trust’s support for community-wide training for the deferred associates greatly fostered the feeling of satisfaction with the training.

F. Project Role Extended Far and Wide

Given our extensive outreach, we received many requests regarding the deferred associates that extended beyond providing training and programming for deferred associates. For example, our Project Director received requests to assist public interest legal organizations and non-profits in securing deferred associates. Deferred associates also sought placement assistance and help obtaining health insurance and malpractice insurance. As the placements began, their contact with us shifted to issues that they were experiencing, including but not limited to, concern with work assignments, integration issues, and assistance finding permanent employment after a few law firm employers withdrew employment offers.

The press frequently contacted the City Bar Justice Center to obtain statistics and other information when writing articles about the deferral phenomenon. In fact, The New York Times sought our assistance in securing three to four deferred associates to be interviewed for a web-based videography project. The intent of the project was to document the deferred associates’ experiences over the course of the year. This outreach showed how critical it is to have a third-party entity serve as a clearinghouse for information for all of the parties involved.

IX. Best Practices

After surveying deferred associates and the public interest legal community in a series of conversations in December 2009, and after conducting an online survey of deferred associates in New York City in January 2010, the following is the City Bar Justice Center’s list of best practices for future deferred associates matched with public interest organizations.

1. A centralized database of all public interest groups seeking placements is essential. Additional efforts should be made to ensure that deferred associates and their law firms understand the breadth of the public interest organizations seeking help.
2. Public interest organizations that would like to host deferred associates can improve their chances by networking with the pro bono coordinators at the large law firms that may do deferrals so that the organization is known to the firm.
3. Public interest organizations need to work on creating a welcoming culture if they are interested in hosting deferred associates. “Colleagues” surfaced as an issue in the satisfaction survey.

4. Law firms should commit to a fixed term for their deferrals. Public interest organizations uniformly objected to the idea of calling deferred associates back early and it rarely happened as a result.
5. It should be an industry standard that the law firm pay a stipend to the deferred associates. The vast majority provided stipends this past year. Health insurance should also be provided. Many firms provided bar exam stipends.
6. Training is essential. If there is a critical mass of deferreds in the future, it is effective to have a central collaborative training program to prepare them for their placements and build a sense of mission.
7. Training early in the placement is better attended than training spread out over the deferral period.
8. Supervision is important and the deferred associates thought it was done well by the public interest placements. Good supervision is expensive and firms should consider contributing a sum toward the supervision expenses of their deferred associates.
9. Firm communication was insufficient during this first year of deferrals. If deferrals happen in the future, regular contact with the placement organization and the deferred associate would improve the experience.
10. A central coordinator provided a neutral outlet for complaints about lack of communication from the firm, problems at the placement and concerns about the future. An informal discussion about issues as they emerged with the firms and the public interest organizations was helpful.
11. Joint programming with the bar and the larger public interest community helps to build awareness of the importance of pro bono and the legal needs of the low-income community.
12. Ongoing evaluation is important for communicating the expectations of the public interest organizations and allowing the deferred associates to give feedback.

X. Discussion

Many of the concerns identified by the public interest legal community prior to the deferred associates' start dates – space, supervision, overhead costs, caseload increases, recruiting, screening, performance issues and attitudes of the deferred associates – were addressed successfully by the organizations. Overall, the organizations have reported very positive feedback regarding logistical concerns. Given that many of the deferred associates chose larger well-known public interest legal organizations that had existing programs for law school and law firm externs, interns or fellows, the staff was adept at handling the influx of deferred associates.

The costs associated with deferred associate training and supervision is a major issue for future best practices. The joint training program funded by The New York Community Trust helped to reduce initial training costs, but supervision is very labor intensive for new law graduates. This continues to be a concern identified by public interest organizations for future programs.

Whether the organizations would be able to maintain an increased caseload taken on by deferred associates became a non-issue as many organizations, particularly the smaller organizations, have not significantly expanded caseloads. Although not every organization who wanted a deferred associate obtained one, the organizations that did significant outreach early in the process and had existing relationships with the law firms had greater success.

The majority of the public interest legal organizations also felt that their selection processes worked well. We heard very few complaints about the externs they had selected. Indeed, most of the conversations with the public interest organizations revealed that almost all were very happy with the assistance from the deferred associates and pleased that they had chosen to serve as a host organization.

Issues of workplace culture gaps between the employees of the public interest placements and the incoming deferred associates were identified at the April 2009 City Bar Roundtable as a possible issue. The lower satisfaction rating with “colleagues” identified in the online survey may be reflective of this. A lower satisfaction rating with “integration within the office” may also reflect the culture gap between those law graduates who pursue careers at large law firms in contrast to the smaller group working in public interest employment. The fact that the “legal work” satisfaction rating was slightly lower than the “clients” satisfaction rating may reflect a slow start or disinterest in the work that was not in an area of law in which the deferred associate thought he or she would be practicing upon graduation.

There were plenty of deferred associates who were off and running quickly, having seized the opportunity to pursue rewarding legal work in their first six months. When asked in the online survey “What is the best thing you have done so far in your placement?” 25 responded and 22 skipped the question. Some of the responses included “winning the first case that I had to argue in front of a judge,” “trial, oral argument, federal motion practice,” “legislative advocacy,” “a fair hearing,” “handled cases for my own clients,” and “interviewed clients, negotiated settlements, argued in court. I wouldn’t get to do any of these things as a junior associate at a big firm.”

We heard some complaints that lack of communication from the law firms caused headaches for the organizations. For example, some law firms have asked public interest organizations to respond to requests for updates about work performed by deferred associates. The problem is that the requests are not uniform and create additional work for the organizations. For instance, some of the law firms check on the deferred associates, others do not. Some require written or verbal updates, others do not. While the organizations oblige, the lack of uniformity may become an issue in the future. One of the reasons for this issue is that most of the law firms treat the deferred associates as non-employees and as a result limit their contact with them. Instead of requesting formal reviews or reaching out directly to the deferred associates, the law firms either request information directly from the organization or take a hands-off approach with the deferred associates and the organizations.

Moreover, when law firms make decisions to call back deferred associates before the end of their deferral period, or terminate their employment relationships with the deferred associates, it has unintended consequences for the organizations. The early callback problem was identified at

the April City Bar Roundtable as a huge issue for nonprofit groups trying to plan out their caseloads. While it has happened infrequently, in most instances the law firms do not contact the organizations directly to explain their change in circumstances, but rather leave it to the deferred associates to do so. The public interest organizations would prefer and appreciate direct communication from the firms. Also, the differing benefits packages have also raised issues, particularly the lack of health and malpractice insurance (malpractice insurance is an issue for smaller public interest organizations).

We also learned that some deferred associates without stipends and who are under financial constraints were unhappy as time went by in their deferments. They are torn between wanting to obtain legal experience and needing to earn a living. After the bar results came out in November, we heard from several deferreds that felt increased financial pressure to find paid employment. In their case, the lack of payment was compounded by working with other deferred associates who did receive stipends.

In interviews in December 2009 and in the January 2010 online survey, deferred associates largely praised their placement organizations and their overall experience. Many felt that they were well trained and supervised, and fully integrated into the organizations. They were generally happy with the work they were given and where they were placed within the organizations. There were several negative responses but the overwhelming experience has been positive. While the deferred associates appreciated the efforts of their law firms in helping them initially find placements, many of them expressed frustration over the lack of communication with their law firms following their start dates. In the event that there are changes to their status such as an extended deferral or termination of employment, deferred associates have overwhelmingly complained about the lack of clarity and communication from their firms. Overall, law firms must figure out how to balance the non-employee status of their deferred associates with their obligations to the pro bono organizations and the deferred associates themselves.

XI. Conclusion

We began the Project with two specific goals in mind: (1) train the deferred associates so that they could effectively represent indigent clients and develop skills to be successful in their placement and back at their firms; and (2) introduce a community of new attorneys to public interest practice and nurture them with the hope that they will be supporters of pro bono and public interest organizations in their future professional careers. The feedback from participants is that the Project at the City Bar Justice Center has been successful on the first goal. The second goal will only be known over time but the vast majority of deferred associates are willing to recommend their placement to future deferred associates, and that is a very promising sign.