5 Pitfalls to Avoid as a Young Government Lawyer

By: Daiquiri J. Steele

Working as a government attorney can be distinctively different from working in the private sector. Government lawyers have unique circumstances under which they operate, and with these circumstances come potential pitfalls of which young government lawyers must be aware. Below are some common mistakes young government lawyers should avoid.

1. **Underestimating the demands of the job.** The days of the 9-to-5 government job are gone. Today, governments at all levels—local, state, and federal—are experiencing budget cuts. These cuts often leave government lawyers, whose resources have traditionally lagged behind those of private practice lawyers, with even fewer resources than normal. It is not uncommon for government agencies to have only one lawyer working on a matter that a private firm has an entire practice group working on. Any disparity that may have existed between the number of hours worked by a government attorney versus an attorney in private practice is decreasing, if not disappearing. While the hours for the government lawyer may not be billable, they can be comparable to those of attorneys in private practice. Young government lawyers should not approach their jobs with the misconception that working for the government is in any way easier, less intense, or less demanding than working in the private sector.

2. **Failing to take advantage of the programmatic and institutional knowledge of more senior attorneys.** Mentorships are typically more structured in a private law firm setting than in government agencies. Many government agencies may not even have official mentorship
programs. However, this should not deter young lawyers from seeking out government attorneys as mentors. For most government agencies, turnover is fairly low. Hence, there is a high likelihood that young government lawyers are working side by side with more senior lawyers, some of which have been with the agency for decades. These senior lawyers have a wealth of knowledge about the agency and the job. Young lawyers should take advantage of it! Even if young government lawyers do not establish official mentorships with more senior lawyers, they should be sure to purposefully establish good working relationships with these lawyers and seek advice from them.

3. **Not doing pro bono work.** Unfortunately, many government lawyers, both young and not-so-young, have the perception that performing pro bono service is something that should be left to those in private practice. While government lawyers are public servants, working in such a capacity should not be viewed as an exemption from performing pro bono work. Although government lawyers may face obstacles to pro bono service that lawyers in private practice do not (e.g. conflict of interest restrictions, prohibition against using employer resources for pro bono work, etc.), overcoming these obstacles and providing pro bono representation nonetheless is well worth it. In addition to providing legal services to individuals in need, pro bono work affords young government lawyers an opportunity to gain experience in a practice area outside of the area in which the lawyer works, and it can be an excellent resume builder. When taking on pro bono clients, government lawyers should be sure to (1) request permission for outside activity if their agency requires it and (2) take pro bono cases in moderation. Because there may be a difference in the employer support that a government lawyer would receive compared to that of a lawyer in private practice, government lawyers should not take on more than they can handle. Doing so could be detrimental to both the lawyer and the client. However, engaging in pro bono work and managing it well can have colossal benefits.

4. **Failing to network with lawyers from other agencies or levels of government.** Networking with lawyers from other agencies is essential. Participating in inter-agency initiatives is a great way to network. Many government buildings house multiple agencies and will typically host numerous events throughout the year where all agencies are invited to participate, such as special emphasis programs and community service projects. Serving on the planning committees for these programs, or in some cases simply attending these programs, can provide excellent networking opportunities. Additionally, linkages between attorneys at various levels of government can also prove useful to young government lawyers. Interacting with lawyers from different levels of government than one’s own is a great way to give and receive “best practices” on virtually any topic.

5. **Failing to become actively involved in bar associations.** Bar associations are providing an increasing number of resources for government lawyers. Many bar associations have discounted membership rates for government lawyers, as well as reduced rates available to government lawyers for CLEs and other programming. Bar association involvement provides lawyers with an opportunity to serve the community, provide service to the bar, and increase their professional development. This ultimately benefits both the lawyer and the government agency for which the lawyer works.

Ironically, although the practice of law in a government setting is different in many ways than law practice in the private sector, there are some similarities. The common theme in the aforementioned list of rookie government lawyer mistakes is that these are things that a private
practice lawyer would typically know to avoid automatically. Approaching the job with an appropriate understanding of the task at hand, seeking guidance from senior lawyers, performing pro bono work, networking, and participating in bar associations are all things many private practice lawyers do routinely. Perceiving these tasks as exclusive to private practice and/or irrelevant in government settings can rob young lawyers of opportunities for service, promotion, and professional development.

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**Becoming Smart on Crime**

By: ADA Chuck Stertz

When most people think about consequences for criminal activities, they think about the direct consequences: such as jail, fines, or probation. While those short-term consequences have a deterrent effect on some, the more devastating results are called collateral consequences and consist of employment, housing, and educational discrimination. When the system fails to address the root causes of the offender's criminal behavior, these collateral consequences serve as additional stressors and factors that often lead to additional negative behavior.

The "Evidence-Based Decision Making" (EBDM) movement focuses an attribute of an individual that contributes to criminal behavior that can be changed during the process of offender supervision and treatment. Working with verified studies, and conducting additional studies, has led researchers to develop assessments designed to determine a person’s risk to commit new crimes and to determine the root causes of that individual’s criminal conduct.

Counties throughout the country are embarking on collaborative efforts between judges, prosecutors, police, defense counsel, probation, county boards, and community leaders to implement research-based, cost-effective criminal justice methods with the singular goal of reducing harm and victimization in their communities. While continuing to lock up high risk and dangerous, violent offenders, the groups look for ways to address the criminogenic needs of low and medium risk offenders without jail beds. Studies show that when a low-risk person is incarcerated for even a short period of time, his recidivism rate increases. Programs designed to address thinking errors, drug addictions, and other needs through research based and proven techniques, significantly decrease the likelihood of re-offending. These low-risk offenders are not given a "get out of jail free card;" they are held accountable through fines, restitution, community service, and mandatory treatment. By adopting the tools of the Evidence-Based Decision Making movement, communities can better meet their law enforcement goals of safer communities at a lower cost to society.

_Chuck Stertz is an Assistant District Attorney in Appleton, Wisconsin. He enjoys serving on the Board of the Government and Public Sector Lawyers Division of the American Bar Association, on the Board of Governors of the Wisconsin State Bar Association, and as a member of the Wisconsin Judicial Council. Chuck can be reached at chuck.stertz@da.wi.gov._
Legal Marijuana and Its Effect On Employment Law

By: Katrina Castillo

Over the past few years, one of the hottest areas of not only law, but policy, is the legalization of marijuana. Just in the past two years, four States (Alaska, Colorado, Oregon and Washington) and the District of Columbia have passed laws that legalize small amounts of marijuana. With this trend toward legalization, courts and state legislatures must determine how this legalization affects employment law.

Some legislatures have passed laws dealing with drug screenings for applicants and employees in hopes of answering questions about marijuana and employment. In the District of Columbia, the D.C. Council passed a law earlier this year that prohibits D.C. employers from testing applicants before extending a job offer. However, employers are free to drug screen those applicants who have been extended an offer and to enforce their own drug policies with current employees. This prohibition on pre-employment testing does not extend to government contractors. Five states – Arizona, Connecticut, Delaware, Maine and Rhode Island – have similar protections for marijuana smokers but only for those using medical marijuana.

The next question for already-hired-employees is, can you fire an employee who smokes recreational marijuana off-duty in a state where it is legal? In Colorado, the answer is yes. In June, the Colorado Supreme Court unanimously ruled that “employees who engage in an activity such as medical marijuana use that is permitted by state law but unlawful under federal law are not protected by the statute.” However, as more states grapple with this question, we may see a split in how states deal with this question.

This is an area of law that will continue to evolve as more States reevaluate their marijuana laws and Courts determine how those laws affect employment.

Katrina Castillo is an attorney for the State of Florida’s Children’s Legal Services in West Palm Beach, FL. Katrina previously served as a policy analyst for the D.C. Department of Human Resources. Katrina also serves as the YLD Liaison to the Law Student Division and as Chair of the Law Student Outreach Taskforce.

NEWS AND ANNOUNCEMENTS

Update from YLD Public Service Project

Inaugural Outreach

The Public Service Team will hold its inaugural “World Wise Web” (“WWW”) outreach on Friday, October 16, 2015 at 9:00 a.m. at Henderson Middle School in Little Rock, Arkansas. This outreach is in conjunction with the ABA YLD Fall Conference. If anyone is interested in volunteering for this outreach, please contact ckannenb@fclaw.com.
Update from Disaster Legal Services Team

New Team for 2015-2016

The Disaster Legal Service (“DLS”) team welcomed three new members to its team for this bar year: Karl Bach, Victor Flores, and Victoria Nedospasova. Returning to the team from last year are Wendy Ellard, Kim Goins, and Matthew Vlasman. Former DLS Director, David Nguyen, was appointed as Special Advisor and is helping the incoming DLS Director, Andrew Van Singel, transition into his new role.

A Disastrous Start to the Bar Year

The DLS team responded to an unusually high number of disasters in a short period of time (four to be exact) in Texas, Wyoming, Saipan, and Kentucky. To put things in perspective, last year DLS was implemented only once, for the flooding in Michigan. The DLS team dodged the proverbial bullet as several hurricanes in the Atlantic and Pacific bypassed U.S. soil. Despite the volume of disasters, the DLS team responded swiftly and quickly to help disaster survivors get the legal help that they need.

Resources

Everyone should be thinking about disaster planning, whether it’s to help out the YLD DLS team, or in your own personal or professional life. Visit Ready.com for ways you can prepare yourself for disaster. Also, don’t forget to check out the ABA Disaster Legal Services website as well as the Disaster Legal Aid website for up to date disaster-related information.

ABA Membership is Valuable Every Day

Are you looking for more ways to enjoy your ABA Membership? Click on the following link to check out a new article or podcast every day: http://www.abaeveryday.org

GMPSC members may be interested in the free live webinar on October 3rd titled, “30 Tips in 30 Minutes: First Year Lawyers Live Webinar.” Listen to advice from both new and experienced lawyers as they share tips on surviving your first year in a law firm.

Upcoming Conferences

Mark your calendars for the upcoming committee meetings and division conferences!

SLG Fall Meeting in Louisville, Kentucky: October 8-11, 2015
YLD Fall Conference in Little Rock, Arkansas: October 15-17, 2015
Mid-year Meeting in San Diego, California: February 3-7, 2016
SLG Spring Meeting in San Juan, Puerto Rico: April 8-11, 2016
YLD Spring Conference in St. Louis, Missouri: May 5-7, 2016

There are a lot of great sessions and activities planned you won’t want to miss. Register today!
CALL FOR ARTICLE SUBMISSIONS

Committee members and future authors, we are accepting articles for publication in our quarterly newsletter on an ongoing basis! We welcome any topic of your choice that will further the knowledge, work, or interest of our committee members. Examples of past article topics range from changes in legal trends, recent or historical case decisions with direct and over-reaching impact on our legal work, to professional wisdom for young attorneys on their first day of work. Please submit submissions or inquiries to Committee Chair, Christopher Lake Brown, cbrown@ci.mansfield.oh.us.