

## **Deferred, Unemployed, and Underemployed Attorneys—A Significant Untapped Resource for Affiliates**

*By Justin L. Heather*

The impact of the current economic downturn on the legal community is unparalleled. As a result of the economic crisis, an unprecedented number of attorneys are unemployed or underemployed. Several large law firms have deferred start dates, rescinded offers, conducted extensive layoffs, and offered voluntary departure packages (both permanent and temporary), resulting in a large pool of lawyers without employment. ABA YLD affiliates should consider implementing programs directed at engaging these unemployed and underemployed attorneys in their member and public service projects.

### **An Untapped Resource That Could Reap Benefits for All**

Deep cuts and hiring freezes mean that a vast number of attorneys are without gainful employment. YLD affiliates can enhance their member and public service projects by employing these unemployed and underemployed volunteers.

In addition to benefitting the affiliate, becoming active in these projects offers numerous potential benefits to young attorneys. For example, attorney volunteers gain invaluable legal experience and networking opportunities by engaging in such projects, including potential credit for the work performed if ultimately hired by a firm as a lateral. Additional, but less tangible, benefits include assisting in member and public service projects that benefit the legal community and those in need of legal assistance.

Despite these numerous benefits to all interested groups, according to Jason Hirshon, a member of the ABA YLD Affiliate Assistance Team, “We haven’t seen much in this area in terms of expansion. It is a real problem.”

Other than some anecdotal evidence of unemployed attorneys individually getting involved in affiliate member and public service projects, there is little indication that affiliates are actively recruiting deferred, unemployed, or underemployed attorneys to become involved in affiliate activities.

“The problem is relatively new with respect to deferred associates, which might explain the relatively few efforts in this area,” explained Jason. With many legal service organizations inundated with requests for employment from unemployed and deferred associates, affiliates should endeavor to avail themselves of this relatively untapped resource.

### **Unemployed Attorneys Helping Affiliates and the Public**

In early December 2009, Chicago Volunteer Legal Services (CVLS), a legal aid organization dedicated to the provision of free legal services to low-income Chicagoland residents, launched an innovative legal clinic in conjunction with the Coordinated Advice & Referral Program for Legal Services (CARPLS) and The Chicago Bar Foundation (CBF), the charitable arm of the Chicago Bar Association.

The ThunderDome Legal Clinic is an innovative new pro bono program in which volunteer attorneys handle their own cases, but share their training and experiences with other volunteers practicing with the clinic. In recognition of the number of unemployed or underemployed attorneys, CVLS developed the ThunderDome Legal Clinic to help meet client needs with the assistance of volunteer attorneys, especially those without significant legal experience.

As explained by Kelly Tautges, the CBF Director of Pro Bono, the founders of the ThunderDome Legal Clinic recognized that many new and other attorneys may be unemployed or underemployed for extended periods of time and want to both gain legal experience and give back to the community at the same time. Also because of the economy, the need for legal aid is high, at the same time that the resources of legal aid organizations are under severe stress. As a result, legal aid organizations may not have enough resources to effectively train and supervise large numbers of additional attorneys. ThunderDome addresses these issues by centralizing training and support to incorporate a larger number of inexperienced volunteer attorneys.

## American Bar Association Young Lawyers Division *The Affiliate*

“We think ThunderDome is a great new pro bono model because it meets the complementary needs of low-income clients and attorneys inexperienced in a particular area of law. This model could be used for any number of case types that our clients face. We are very excited that the Chicago Bar Foundation and CARPLS are working with us to develop and refine our concept,” said CVLS Executive Director Margaret Benson. This unique model maximizes the number of attorneys that can get involved by having working clinic meetings at which volunteers receive training, meet with clients, strategize solutions to problems, and learn the next steps in resolving their cases.

### **Volunteer Benefits**

“I signed up for ThunderDome because I was interested in the step-by-step approach to training while actually handling a case,” said one ThunderDome volunteer, who is a recent law school graduate looking for a full-time legal position. The clinic also fosters a sense of professional community and civic responsibility among the volunteers. The ThunderDome Legal Clinic has already trained and prepared volunteer attorneys to provide free legal assistance with simple divorces and in handling foreclosure cases.

The ThunderDome Legal Clinic provides an excellent example of how the legal community can leverage unemployed and underemployed attorneys in the provision of legal services. ABA YLD affiliates should consider capitalizing on the current economic situation by directly soliciting and incorporating underemployed, unemployed, and deferred attorneys into their member and public service projects.

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*Justin L. Heather is an Assistant Editor of The Affiliate and a litigation associate with the Chicago office of Skadden, Arps, Slate, Meagher & Flom LLP.*

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