

## Is Public Interest Law Right for You?

By Jennifer Wimberly

If you went to law school because you wanted to “help people” when you graduated, there’s a good chance that public interest law is the right career choice for you. However, there are several important points to consider before you accept a public interest job.

**How comfortable are you with regular client contact?** More importantly, how comfortable are you with having regular contact with low-income clients? Most public interest law clients have incomes at or below the Federal Poverty Level. For 2007 that meant a single mother with two children had a total monthly income of \$1430.

If you are interested in legislative or policy work and you are not interested in hands-on client work and litigation, you need to find out exactly what your duties will be before you accept a public interest law job. Look for a job where you will be regu-

larly conducting research and writing memos on public policy issues. Otherwise you may find yourself miserable in a job where you must regularly meet with indigent clients and maintain an active litigation caseload.

**What area of public interest law is your passion?** It could be representing petitioners, usually women in domestic violence injunctions; representing tenants in eviction cases; representing migrant farm-workers in labor disputes; preparing advance directives for seniors; or helping the homeless or people who have a mental illness get public benefits, such as food stamps, Medicaid, Temporary Assistance for Needy Families (TANF), or Social Security disability benefits.

**Are you willing to branch out into different areas of law?** Frequently your public interest law client will have a problem

with multiple layers. Consider the single mom who has come to your office for help because she was served with an eviction lawsuit. While interviewing her, you discover that because she has been a victim of domestic violence, she had not been showing up for work every day; as a result, she was considered a no call/no show one time too many and was fired from her job; with her last paycheck she had to make a choice of paying for her chronically ill child’s medicine or paying her rent; she paid for her child’s medicine and now faces the eviction lawsuit.

Ideally, in this type of case, as a public interest attorney you would work with other attorneys in your office to address this client’s needs holistically, first dealing with the most urgent and then prioritizing the others. For example, you might work on the eviction case while a family law attorney ensures that your client is safe by helping her with an injunction for protection against domestic violence; a public benefits attorney might help her apply for food stamps and Medicaid; and an employment law attorney might help her with unemployment compensation

benefits. But if you work at an office with only two attorneys on staff, you could end up handling every legal problem your client has regardless of your specialty area. As emotionally trying as her case may be, when this client’s issues are resolved you will know that you’ve made a positive difference in her life when she needed it the most.

**Can you handle the frustrations of practicing public interest law?** Public interest attorneys can earn salaries much lower—often \$15,000 to \$20,000 lower—than attorneys in private practice, yet they may be required to carry the same caseload and bill the same number of hours. Private practice attorneys may think that you are not a very good or smart attorney because if you were you wouldn’t have settled for public interest law.

Clients will ask if you are a “real lawyer” because you give them free or low-cost advice that they do not want to hear. They will miss appointments and will not call you beforehand. Your clients’ phones will get disconnected a few days before trial, and you will have no way

to contact them. Your clients may even cost you cases. You may rarely get a “thank you” from a client after you’ve put in countless hours of work on his case, and your paycheck that week might not be much of a “thank you” either.

Despite all of this, you may be the last hope the client has at turning a desperate situation around. You are giving a voice to the people who need it most. You could be the attorney who ensures that a child with developmental disabilities receives the free public education they deserve. You could be the attorney who makes sure that a local slum-lord never turns off another tenant’s electricity and water service to try to force them to move through a “self-help-eviction.” You could be the attorney who works on community economic development and helps minority-owned small businesses become incorporated. As a public interest lawyer you *will* be the attorney who ensures liberty and justice for all.

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## Making the Move from Public to Private Practice

By J. Samantha Vacciana

As a former Legal Aid attorney at Legal Aid of Palm Beach County, Florida, my decision to make the move to private practice was primarily an economical one and was very difficult to make. On the one hand, I enjoyed advocating on behalf of indigent clients, but, on the other hand, I was a mother of children about to head off to college, I

had my own substantial student loan debt, and I was living in perhaps one of the most expensive areas in the country. I had to be practical. In retrospect, my Legal Aid experience was excellent preparation for my transition to private practice.

At Legal Aid I represented clients in the areas of family and immigration law. By its very

nature, Legal Aid is a volume practice, so I had the opportunity to work on several hundred cases per year from inception to completion. As a result, I was able to develop and hone my litigation skills. Today in private practice I am very comfortable with examining witnesses in court or introducing evidence at trial because I had tried over a hundred contested cases at Legal Aid. I am also very comfortable conducting depositions, handling mediations, and handling pretrial discovery, again, because I had handled these aspects of litigation so

many times at Legal Aid.

Additionally, my time at Legal Aid allowed me to build solid relationships with other lawyers and nonlawyers both internally and externally. The senior attorneys at Legal Aid were always willing to discuss case strategy with me, review and critique documents that I prepared, or simply serve as a mentor to me. For example, I did not have a family law supervisor at Legal Aid. On many occasions I would go to a senior attorney at Legal Aid to discuss strategy in a family law case, find out who was the best expert witness to use in



a domestic violence case, or ask for advice on a motion or memo I had prepared. When I moved to a private practice, I practiced family law exclusively and was fortunate to still be able to rely on those relationships.

Joining the bar section in my practice area while I was at Legal

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# Domestic Violence Awareness and Prevention

## American Bar Association Young Lawyers Division 2008–09 DOMESTIC VIOLENCE PUBLIC SERVICE PROJECT

October is Domestic Violence Awareness Month, a renewed opportunity for us as lawyers to learn how we can best help victims of domestic violence. Find ideas on how you can help in your community by visiting the ABA Commission on Domestic Violence ([www.abanet.org/domviol/home.html](http://www.abanet.org/domviol/home.html)) and Break the Cycle ([www.breakthecycle.org](http://www.breakthecycle.org)).



### Educate and Serve Your Community: Domestic Violence Prevention and Awareness

This year's ABA YLD Service Project is designed to educate young lawyers about the epidemic of domestic violence, particularly among teenagers, and to encourage young lawyers to take action in responding to and preventing domestic violence in their communities.

#### Project Highlights:

- A Project Web site
- A video introducing the topics of teen dating violence and pro bono work
- Domestic Violence Awareness and Prevention Toolkit
- Legislative advocacy and resolutions
- Continuing legal education and *pro bono* training programs
- Community service projects at conferences
- Local domestic violence roundtables

Visit [www.abanet.org/yld/dv](http://www.abanet.org/yld/dv) for more information throughout this bar year.

### Teen Dating Violence Statistics (Provided by the ABA Commission on Domestic Violence)

18- to 24-year-olds comprised only 11.7% of the U.S. population in 1998 and 2002, yet that age group comprised the majority (42%) of victims of violence committed by a boyfriend or girlfriend.

- Approximately 1 in 5 female high school students reports being physically or sexually abused or both by a dating partner.
  - In a study of eighth and ninth graders, 25% of them indicated that they had been victims of dating violence, including 8% who disclosed being sexually abused.
  - In a survey of 232 high school girls, 17.8% of the participants indicated that they had been forced to engage in sexual activity against their will by a dating partner.
  - Among female students between the ages of 15 to 20 who reported at least one violent act during a dating relationship, 24% of them reported experiencing extremely violent incidents
- such as rape or the use of weapons against them.
- Girls who reported that they had been sexually or physically abused were more than twice as likely as girls who had not been abused to smoke (26% versus 10%), drink (22% versus 12%), and use illegal drugs (30% versus 13%). In addition, 32% of girls who had been abused reported eating disorders of bingeing and purging as compared to 12% of girls who had not been abused.
  - In a study of 724 adolescent mothers between the ages of 12 and 18, 1 in 8 pregnant adolescents reported having been physically assaulted by the father of her baby during the preceding 12 months of pregnancy. Of these, 40% also reported experiencing violence at the hands of a family member or relative.
  - Physical aggression occurs in 1 in 3 teen dating relationships.
  - 50–80% of teens report knowing someone involved in a violent relationship.

## Break the Cycle of Abuse: Prosecuting Domestic Violence Cases

By Marilyn Alioto

**D**omestic violence is a crime that does not discriminate. It affects people of every background, religion, sexual orientation, and socioeconomic status. Aggressive and consistent prosecution against domestic violence offenders remains a key factor in stopping the cycle of domestic violence.

Domestic violence victims are unlike many other crime victims because of the inherent relationship between the offender and the victim. Some victims do not want to prosecute because they fear that the offenders may view such prosecution as a

hostile act and retaliate. Or the victims may have a strong emotional tie to or financial reliance on the offenders that prevents them from going forward.

When victims do not wish to proceed, prosecutors should not be discouraged. Instead they should seize the opportunity to learn why victims are reluctant to proceed against offenders and to understand the cycle of domestic abuse. Prosecutors should provide victims with information about domestic violence agencies that can help them leave abusive relationships. In addition to the help prosecutors can provide, court-

rooms often provide volunteer advocates in the courtroom to assist victims during the



proceedings; for example, in Chicago such advocates can come from the State's Attorneys Office, Hull House, and Family Rescue. Access to advocates can alleviate the victims' fear and create a safe outlet for them to express their concerns.

In addition to giving victims access to courtroom personnel,

it is important for prosecutors to work in conjunction with their local police departments and help train police officers who respond to domestic violence cases. Officers should understand the cycle of abuse that these victims are caught in and that a victim's seemingly hostile attitude on the scene is usually a defensive response to fear of the offender. Prosecutors who work with advocates and police officers can afford victims of domestic violence a comprehensive experience where abusers' criminal charges are addressed and victims' emotional scars can begin to heal.

**Marilyn Alioto is an assistant state's attorney in the Domestic Violence Division of the Cook County (Illinois) State's Attorney's Office. Jennifer Greene, court advocacy program director for Family Rescue in Chicago, contributed to the article.**

## YLD Still Giving Back After 75 Years

**M**artin Luther King, Jr. once said that “[l]ife’s most urgent question is: what are you doing for others?” This year, the young lawyers of the American Bar Association Young Lawyers Division will do what we have been doing for almost seventy-five years—we will serve our communities through pro bono and public service, and we will serve our members.

One important way the YLD will serve our communities this year is through the 2008–09 Domestic Violence Public Service Project discussed in this issue of *TYL*. The program will be in partnership with the ABA Commission on Domestic Violence and non-ABA national partner Break the Cycle.

YLD will also serve its members this year through a Mentorship Project offering an online collection of articles, quick tips, and audio recordings geared toward the needs of young lawyers. As part of this project, YLD is working with StoryCorps® to record and share stories of mentorship in the legal profession from lawyers, judges, and others. The recordings will be available on the YLD Web site, archived at the Library of Congress, and segments may air on National Public Radio. At our conferences this year we will collaborate with the firm of Young Mayden to provide a wide range of career development

programming and one-on-one career counseling sessions.

Additional plans this year include improving how we offer and package the resources young lawyers want and need, holding important and open discussions on diversity within the profession, and continuing to work with FEMA to provide immediate and temporary assistance to disaster victims.

Next July we will also be kicking off our 75th anniversary celebration at the Chicago Annual Meeting. As part of the celebration we hope to share a video and publication documenting YLD’s rich history.

For almost seventy-five years, the ABA Young Lawyers Division has focused on giving back—giving back to our members, giving back to our communities, and giving back to one another through the networking opportunities and friendships that we form as a result of our volunteer involvement. This year, we will continue to provide more pro bono and public service than any other professional organization. We will continue to serve our members—the largest contingent of the ABA. And we will continue to be leaders in diversity initiatives and providers of disaster legal services. Indeed, we are answering life’s most urgent question with action. I look forward to the year ahead!

—Lizz Acee, YLD Chair

### Public to Private Practice

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Aid has also been instrumental in developing professional relationships. As a member of the Florida Bar Family Law Section, I am exposed to many attorneys who collectively have been practicing family law for decades and who are a great resource for information and advice. In addition,

as a member of the Family Law Section I am on the cutting edge of new family law legislation and changes in the field.

Perhaps, the greatest challenge I have faced in making the move from Legal Aid to private practice is tracking my time—a necessity in order to bill clients. Unlike public interest work, which is usually grant or government funded, billing clients for attorneys’ time is the

lifeblood of private practice, and most firms require minimum billable hours. If you are interested in making the move to private practice (or if you think you will be some day), developing a timekeeping practice now will prove invaluable in the private sector. If like most public interest organizations yours does not have time tracking software, use a Microsoft Excel spreadsheet, or keep a notepad with you at all

times, and record each phone call you make on a case, or when a client or opposing counsel calls you, or when you draft a document, and so on.

Although the ease of making the move from the public interest arena to private practice depends on what type of public interest job you held, I found the transition from Legal Aid to private practice to be relatively smooth due to the training,

experience, and relationships Legal Aid afforded me. I would like to thank Robin Scher, Ross Baer, and Stephanie Carden, who have spent countless hours serving as my mentors while at Legal Aid and since.

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# YLD CALENDAR & CONFERENCES

SEPT. 12-13, 2008

THE FUNDAMENTALS TRACK OF THE ABA SECTION OF LABOR AND EMPLOYMENT LAW 2ND ANNUAL CLE CONFERENCE | DENVER, CO  
[www.abanet.org/labor/1el-annualcle/09/labor-cle08.html](http://www.abanet.org/labor/1el-annualcle/09/labor-cle08.html)

SEPT. 17-20, 2008

BASIC PRACTICE SERIES PROGRAMMING AT THE SECTION OF ENVIRONMENT, ENERGY AND RESOURCES FALL MEETING | PHOENIX, AZ  
[www.abanet.org/environ/fallmeet/2008/bps.shtml](http://www.abanet.org/environ/fallmeet/2008/bps.shtml)

OCT. 1- 31, 2008

DOMESTIC VIOLENCE AWARENESS MONTH

OCT. 2-4, 2008

2008 ABA YLD FALL CONFERENCE | SAN DIEGO, CA  
[www.abanet.org/yld/fall08/](http://www.abanet.org/yld/fall08/)

- Expand your network: Meet over 300 young lawyers from across the country
- Sharpen your legal skills: Earn CLE credit
- Serve the Public: Learn about the YLD Domestic Public Service Project

OCT. 15, 2008

SUPREME COURT ROUNDUP 2008 | TELECONFERENCE  
[www.abanet.org/cle/connection.html#october](http://www.abanet.org/cle/connection.html#october)



OCT. 22-24, 2008

BANKING LAW BASICS, NATIONAL INSTITUTE | BOSTON, MA  
[www.abanet.org/cle/programs/n08blb2.html](http://www.abanet.org/cle/programs/n08blb2.html)

OCT. 27-29, 2008

NATIONAL INSTITUTE ON INVESTMENT MANAGEMENT BASICS | BOSTON, MA  
[www.abanet.org/cle/programs/n08imb1.html](http://www.abanet.org/cle/programs/n08imb1.html)

Visit the ABA YLD Calendar for additional information:  
[www.abanet.org/yld/meetings.html](http://www.abanet.org/yld/meetings.html)



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## the YOUNG LAWYER

THE YOUNG LAWYER IS PROVIDED FREE TO ALL ABA YOUNG LAWYERS DIVISION MEMBERS.

Volume 12  
 Number 11  
 September 2008

YLD Chair—Lizz Acee  
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 Issue Editor—The TYL Board  
 Managing Editor—Lori Lyons  
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THE YOUNG LAWYER (ISSN 1090-6878) is published eleven times a year, by ABA Publishing for the Young Lawyers Division, American Bar Association, 321 N. Clark Street, Chicago, IL 60654-7598. Nonmember annual subscriptions: \$29.95. The views expressed herein are those of the authors and not necessarily those of the American Bar Association, its Young Lawyers Division, or the employers of the authors. Copyright © 2008 American Bar Association. THE YOUNG LAWYER comprises a registered trademark of the American Bar Association. All rights reserved.

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## From My Mentor to You

By Sheri L. Kelly

As a new attorney, figuring out what you need to do to succeed at your firm often can seem difficult. You know that you need to “do good work,” but what exactly does that mean? Other than your work, where should your focus be? Early in my career, one managing partner shared his opinion about what new associates can do to set themselves apart and succeed in firm life. His advice has helped advance my career, and now I share it with you.

First, for the first few years of your practice, the quality of your written work is one of the most important factors that your firm considers when evaluating your progress. It is im-

portant to complete all written assignments on time and to do the best work that you can. If you have time, ask another attorney you trust to review your document before submitting it. Always spell and cite check your documents. Self-edit your work to minimize the amount of review that is needed to finish the document. Finally, turn in a first draft that looks as close as possible to the final product.

Second, demonstrate that you think independently about client and case management objectives. For example, if you genuinely disagree with a strategy in a particular matter and can back up your position with new facts or research, let your



views be known.

Third, learn how to manage opposing counsel, and advocate for your clients’ positions while maintaining your professionalism and civility. You should focus on developing a style of advocacy that is consistent with your personality.

Fourth, create and maintain good client relationships. The best way to achieve this goal is to provide your clients with regular updates of their cases and to return their phone calls the same day you receive them.

Fifth, be mindful of your firm’s resources. For example, when you become aware of a deadline, you should plan ahead and use the firm’s staff, paralegals, and other resources. You also should manage your travel cost by planning ahead and booking airfare and other accommodations as soon as possible. In addition, you should ensure that your time records are up-to-date and accurate.

Finally, you should invest in

your career long-term by making consistent contributions to bar-related associations, such as the ABA. Being active in bar associations on a regular basis can help build important peer relationships that will help you down the road, especially when you start developing the business side of your practice. You also will further hone your practice skills as a lawyer in a collegial environment. Find a bar activity in an area that interests you, and you can advance your own career while enjoying yourself at the same time.

Developing your skills in these areas will help you succeed at your current firm and wherever your career path might take you. Now find a mentor of your own who can further enrich your career!

Sheri L. Kelly is the owner of the Law Office of Sheri L. Kelly in San Jose, California, where she focuses on business law. She can be contacted at [slk@sherkellylaw.com](mailto:slk@sherkellylaw.com).

## DID YOU KNOW?

The ABA Young Lawyers Division is turning 75? Did you know that during its history, only two YLD Chairs have hailed from Connecticut? Did you know that those two Chairs served almost 55 years apart . . . and are related? Current Chair Elizabeth Acee is following in her father-in-law Dick Bowerman’s footsteps. Mr. Bowerman was Chair of the YLD (which was then known as the Junior Bar Conference) in 1953.