

## **After Law School: Advice from NLG Next Gen**

### **By Tim Phillips, NLG Next Gen Committee**

Welcome to one of the “useless or destructive occupations.”<sup>1</sup> Law school graduates have an average debt load of more than \$100,000 and face a dismal job market.<sup>2</sup> Combined, these two forces prevent many new lawyers from staying true to their values. Yet for those of us who can resist the pressure to betray our ideals, how do we find meaningful work and also make a living? Here are some suggestions from a member of the NLG Next Generation Committee (Next Gen). Next Gen welcomes progressive law students, recent graduates, legal workers, young lawyers and jailhouse lawyers, and law school candidates interested in radical lawyering and social change. Next Gen sponsors social events, offers guidance and support to new members, and works to support and sustain the “next generation” of the Guild. The National Next Gen Committee helps develop and sustain local Next Gen chapters and promotes new leadership within the Guild.

#### **To Find Meaningful Work, Expand Your Network**

Unless you start your own firm, you probably want someone to hire you. But it’s difficult to stand out when all someone knows about you is what’s on your resume. The solution: meet as many progressive lawyers as possible, in person (e.g., for coffee or lunch), so you’re on their minds when they hear about job opportunities of interest.

Every time you meet with lawyers, write down the names of all the people they tell you to contact. After you contact (or ideally, meet with) one of those lawyers, you have a reason to follow up with each person who gave you that lawyer’s name. To make sure you don’t lose touch with anyone, put them all in a spreadsheet and review it every so often.

There’s nothing inherently radical about networking, of course, but for most of us it’s more likely to lead to meaningful work than applying for jobs online. After I graduated from Hastings in 2008, I emailed my resume to approximately 235 people and met with about 25 of them. I ultimately found long-term paid work with two of the plaintiff-side litigators who had replied to my initial email by saying they weren’t currently looking to hire anyone. (One paid me by the hour and the other paid me a percentage when cases resolved.) By following up with them even though they didn’t appear to be hiring anytime soon, I was still on their minds when they decided to bring someone in.

I moved from San Francisco to Minneapolis in 2012, without a job lined up; so I emailed my resume to approximately 165 people and met with about 80 of them. Again, the plaintiff-side litigator who hired me had initially said he wasn’t looking to bring in another litigator. He invited me to do his phone intakes. I declined, but when I followed up several months later, his circumstances had changed and he asked me to join the firm as a civil rights attorney.

#### **To Make Ends Meet While Looking for Work, Try to Find a Job with a Predictable Income**

From meeting with progressive lawyers, you’ll get the impression that some of them proceeded as follows: they exited law school, joined the legal team on some lucrative plaintiff-side case, stuck with it for years, and made a ton of money when the case finally resolved. That money became the war chest that allowed them to bankroll future plaintiff-side cases. If you’re not careful, pretty soon you’ll have a very romantic idea about what it’s like to be a struggling young lawyer.

In addition, plaintiff-side attorneys you meet will offer to co-counsel with you on contingent-fee cases, which might not produce any income for you for years. The advice I got from a friend, who saved me, was to avoid co-counseling on any contingent-fee cases until I found other work for which I would receive a relatively predictable income. For me, this meant waiting until at least one attorney was paying me by the hour before I agreed to co-counsel with any plaintiff-side lawyers.

Once I found hourly work on plaintiff-side litigation, I was able to move into another attorney's office and begin co-counseling on contingent-fee cases. And after I'd been co-counseling on contingent-fee cases for a few years, I could afford to abandon the hourly work. But hourly work was critical for those first few years, because the rent and loan payments were due every month, but my plaintiff-side cases could take 18 months or more to resolve. This is why it's important to start with work that provides a relatively predictable income.

### **To Receive Payment to Do What You Want, Apply for Fellowships**

Like any job posted online, you shouldn't expect to receive a fellowship. The upside of applying for fellowships, though the amount of work it takes to apply is arguably equivalent to an additional law school course, is that it brings noticeable clarity to your job search. The process of applying for one fellowship after another refines your concept of what kind of work you actually want to do after graduating and passing the bar.

I applied for Equal Justice Works, Soros, and Echoing Green fellowships. I also applied for a fellowship specific to Hastings graduates. Despite all the work I put into these four fellowships, I wasn't selected for any of them. Yet the research and writing involved in applying forced me to consider exactly what role I wanted to play as an attorney (e.g., a litigator, policy analyst, or liaison between activists and their attorneys of record), and whether the clients with whom I intended to collaborate were truly underserved or sufficiently represented by existing organizations.

After the 2008 financial crisis, some law schools now offer part-time "fellowships" of a different kind, where alumni temporarily work for professors. For example, my first job after taking the bar exam was a 17 hour per week Graduate Research Fellowship capped at 150 hours. If you can land this sort of fellowship and work part-time while seeking longer-term opportunities, all the better!

### **To Perform Legal Services Competently, Find Mentors**

If you meet for coffee or lunch with every progressive lawyer who's willing, another benefit is that you'll have a large (and ideally, diverse) pool of lawyers from which to find great mentors. When a case comes along that you don't have enough experience to handle without consulting or associating with another lawyer, you'll have plenty of lawyers to contact with questions. You can also consider working for free as support counsel for another lawyer or group of lawyers if the right case comes along.

For me, that case came along in February 2009, when four animal rights activists were charged with violating the Animal Enterprise Terrorism Act. Although my role was limited to editing and legal research, my participation with the legal team allowed me to learn from seasoned criminal defense attorneys about handling a political case. On July 12, 2010, the court granted our motion to dismiss the indictments.

## **To Keep Hope Alive, Represent Activists**

Political cases sometimes involve a lot of work and little to no pay. They might keep you busy and make it even more difficult to pay the bills. The upshot of taking on political cases, however, is that instead of helping everyday people one by one, you get the chance to help activists and organizers who are building movements for social justice.

The first political case I handled on my own illustrated this difference between representing people in individual disputes and representing activists. (This is not to say, however, that there's a clear line between activists and non-activists.) In December 2009, more than 60 people were arrested for participating in an open occupation at the University of California, Berkeley. Arrestees who weren't UC Berkeley students received notices of exclusion, ordering them to stay away from the Berkeley campus. My client re-entered the campus with a protest sign and was charged with misdemeanor "campus disruption." On June 7, 2010, when the prosecutor dismissed the charge, it didn't merely appease my client. It also undermined the government's attempt, at a time when campus protests were increasingly confrontational, to deter people from disobeying orders.

Although you will rarely, if ever, receive compensation for representing activists, you must represent them as diligently as you would any other client. For example, as a jury trial approaches, you might become busy and prefer not to spend the next week in court without pay. (Or you might not understand why your client wants to plead guilty to a trumped-up charge.) Regardless, as with all clients, it's their decision whether to accept or reject settlement offers or plea deals.

If you wind up working on one of the rare cases in which you do receive payment to represent an activist, consider the economic implications of how you spend that money. When people involved in social justice movements pay lawyers, that money is too-often diverted from a solidarity economy (e.g., the collectively-run restaurant where your client would have spent the money) back into the scarcity economy (e.g., the corporation you pay to serve process, even though there's a local worker-owned messenger service in town).

Finally, when you represent activists, resist becoming the face of the campaign or movement. Your clients will appreciate your work much more if you join them in the streets and read what they're reading (or writing!) than if you approach representing them with a savior mentality. It isn't just what we're *doing* to transform society, but *how* we're doing it, that matters.

## **To Increase Your Bargaining Power, Gain Courtroom Experience**

The practice of law is stressful for newer attorneys, because every task you've never completed before represents an opportunity to make a colossal mistake. Some newer attorneys, for example, resolve cases via settlements or plea deals when more seasoned attorneys might have taken the cases to trial in light of the last offers from opposing counsel. Not only do newer attorneys have little to no trial experience, making them hesitant to try cases, but their lack of trial experience can result in worse pretrial offers from the other side.

The opportunity that assuaged my nervousness regarding court appearances was the Lawyers' Committee for Civil Rights (LCCR) Homeless Rights Project in San Francisco. One year after I graduated from law school, I began representing houseless people who received citations for "quality of life" offenses (e.g., camping or drinking in public). If a case wasn't dismissed at the arraignment in Traffic Court, meaning the officer actually showed up, I set it for trial.

Although the defendants didn't have a right to a jury trial in Traffic Court, the bench trials gave me a chance to argue in front of a judge and sometimes cross-examine police officers. For example, a couple months after I started volunteering with the project, an officer testified that she found my client sitting on a chair on the side of a street, holding a cylindrical object enclosed in a brown paper bag. She allegedly noticed a slight smell of alcohol emanating from him and the brown paper bag. But because she didn't smell the clear liquid in the gin bottle he was holding, the judge granted my oral motion to dismiss my client's citation.

After countless arraignments and trials in Traffic Court, I was much more comfortable appearing before judges. Other pro bono work, such as representing defendants in misdemeanor cases, has provided me with similarly valuable courtroom experience. Even though my paid work is plaintiff-side litigation, my first jury trial on my own was a misdemeanor case in which one of my pro bono clients wisely refused to take a deal.

### **To Avoid Friction Between You and Your Clients, Understand Their Goals**

Before agreeing to represent people, make sure you know their objectives. You already understand they're in it to win; but does winning mean a settlement, a jury verdict, favorable publicity, a legal precedent, an injunction, or a campaign to get the charges dismissed?

On a related note, be careful not to jump to conclusions regarding how much experience your clients have with the legal system. Before I met one of my activist clients, for example, I explained some of the basics to him over the phone regarding his misdemeanor charges of trespassing and fleeing an officer on foot. "This isn't my first time at the rodeo," he said, gently reminding me that not everyone who reaches out to an attorney is starting from the same place.

Whether or not retaining an attorney is a brand new experience for your client, however, it's important to communicate with each client in such a way that the client knows what's happening in the case and why. And even if you've discussed your clients' goals with them at the outset of the representation, goals are fungible. For this reason, it's important to discuss their goals early and often.

Also, make sure your clients also know exactly what you're agreeing to do (e.g., represent them through trial, if necessary) and which legal services you cannot provide (e.g., any appeal). In addition, let your clients know what to expect. As you know, certain people face disparities in the legal system, so it would be a mistake to assume that everyone will be treated the same.

After you've had a chance to gather and evaluate information about both the law and the facts, do your best to generate possible solutions and estimate the advantages, costs, risks, other consequences, and odds of success for each. Then meet with your client to confirm your understanding of the client's goals and preferences, the facts, and the non-legal aspects, and to clearly explain your predictions, incorporate the client's insights, and ask the client to choose the best option. Seek the active participation of your client in deliberating, framing the dispute, and implementing the potential solution you've agreed on.

Last but not least, the amount and terms of payment should be crystal clear from the beginning of the representation.

## **To Attract New Clients, Join Organizations and Provide Legal Trainings**

Attracting new clients requires that you retain and grow relationships, increase your name recognition, and communicate effectively. This involves joining organizations, writing for periodicals or blogs, sending out updates about your practice, and presenting on issues relevant to the communities with whom you hope to collaborate.

Like networking, there's nothing inherently radical about marketing; but if you can stomach it, these activities might be more likely to bring in the types of cases you want to work on than online marketing or waiting to see who walks in the door. The way I started out was by joining the Executive Board of the Bay Area Chapter of the NLG from 2010 to 2012. I'm now a member of both the National Employment Lawyers Association and the National Police Accountability Project. In addition, I serve as the Legal Advisor for a group called Support Vegans in the Prison System, for which I write letters on behalf of vegan inmates.

Since beginning law school, I've also led (or co-led) several Know Your Rights trainings, at locations such as the Glen Cove Sacred Site, a Crimethinc. Convergence, a Central Wisconsin Action Camp, and the high school I once attended. It might seem arbitrary, but training people as the need arises is a great way to maintain ties with folks who just might keep you in mind when a legal issue comes up in the future. Obviously you should do what you can to help people regardless of whether it's a good networking or marketing opportunity. One way to make sure you can work pro bono from time to time, though, is to acknowledge the fact that you need a sufficient number of paying clients, too.

## **Join a Local NLG Next Gen Committee**

Many reading this manual are already involved with the National Lawyers Guild as student members. Once you've graduated, the Guild will need your skills, energy, and support more than ever to keep assisting movements for social justice. Be sure to keep your membership dues up to date and remain part of the most radical network of legal professionals in the United States.

Don't miss your opportunity to connect with other new radical lawyers and benefit from their experiences. The Next Gen Committee actively builds the leadership of the NLG by making the Guild a place where recent graduates can network and support each other in finding work and collaborating on projects. Next Gen members assist new grads by answering questions about job-searching and grant-writing, pro bono or low bono work, contract work, billing, finding clients, social justice lawyering, or any of the many other questions facing a brand new attorney. If you're interested in hearing more about Next Gen or being involved in their work, you can email [nextgen@nlg.org](mailto:nextgen@nlg.org).

Just as NLG members likely inspired and motivated you throughout law school, the Guild will be equally important to you when fighting for social justice as a people's lawyer. Please help the National Office keep in touch with you by letting us know the best way to contact you after graduation. If you're moving to a new place and seeking Guild contacts, we can make introductions and help you find local NLG members and committees. Build the Guild!

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<sup>1</sup> Kelefeh Sanneh, "Paint Bombs," *The New Yorker*, May 13, 2013.

<sup>2</sup> Adam Cohen, *Just How Bad Off Are Law School Graduates?* *Time*, March 11, 2013.