

MEMORANDUM

To: Mike Ende, NALP Board Liaison, Public Service Section
Cc: Fred Thrasher, NALP Deputy Director; Samuel Halpert, NALP Director of Public Service Initiatives
From: Susan Curry (UChicago) & Lilli Evans (NYC Law Dept.), NALP Co-Chairs, Public Service Section (2020-21)
Re: NALP Public Service Section Third Quarter Board Report
Date: February 4, 2021

This report contains updates on the activities of the NALP Public Service Section and its Work Groups for the second quarter. The 2020-2021 Public Service Section Work Groups and Vice-Chairs are:

Environmental Scanning Work Group:

- **Sharon Buckingham**, Villanova
- **Moriah Allen**, William & Mary Law School

LRAP/CCRAA Work Group:

- **Jennifer Geller**, Oregon
- **Aoife Delargy Lowe**, Equal Justice Works

Member Relations Work Group:

- **Diane Fears**, Wayne State

Mini-Conference Planning Work Group:

- **Claire Cusella**, Equal Justice Works
- **Glory McLaughlin**, Alabama

NALP Annual Education Conference and Webinar Planning Work Group:

- **Elyse Diamond**, Pace
- **Sharon Buckingham**, Villanova

Pro Bono Work Group:

- **Laura Burstein**, SMU Dedman School of Law
- **Jennifer Mencarini**, Elon University School of Law

PSJD Resources Development Work Group:

- **Jocelyn Brennan Witzel**, St. Lois University
- **Brent Page**, Public Interest Law Initiative (PILI)

Publications Work Group:

- **Brooke Meckler**, Equal Justice Works
- **Rachel Kronick Rothbart**, University of Southern California

On February 3rd 2021, the Public Service Section held its quarterly meeting on Zoom. Co-Chair Lilli Evans introduced Rena Cervoni (DOJ) to give the Employer Profile report. This series of Employer Reports serves to help 1) featured employers gain additional exposure/awareness among NALP members, 2) career services representatives know more about the hiring practices of these organizations.

PUBLIC SERVICE EMPLOYER PROFILE

Rena presented a menu of DOJ opportunities for both current law students and alumni: Volunteer Legal Internships for summer and school-year (VLI); paid Summer Law Internship Program (SLIP); entry-level attorney Honors Program hiring for 3Ls and certain new alumni (HP); and lateral hiring through the Experienced Attorney Program (EAP), highlighting various deadlines for each, including early deadlines for some DOJ components. She reviewed DOJ's ability to pivot to remote supervision in summer of 2020 and hopes to be able to use at least a hybrid version for 2021, though that has not yet been determined. Rena provided approximate hiring targets for each of the above programs, and the hope is that these numbers remain similar for the coming year. Finally, Rena called on each of us to remember and promote the very valuable DOJ Ambassador Program.

WORK GROUP UPDATES

Next, Co-Chair Susan Curry asked for the Work Groups to provide their reports:

ENVIRONMENTAL SCANNING WORK GROUP

The following very substantive report will be distributed to the entire Public Service section in February:

Introduction

Over the course of the fall semester, we engaged in one-on-one conversations with colleagues in the Public Service Section (PSS). The decision to conduct individualized outreach and invite dialogue was an intentional one. While a survey may have produced more representative or comprehensive results, we wanted, in this moment of remote and virtual work, and in these times of uncertainty and anxiety, to establish deeper connections. Also, a lot of the information gathered simply is not measurable. What is presented below, therefore, is not a scan of the entire PSS environment, but rather a summary of thoughts and ideas, observations and predictions shared by a sample of PSS members.

All of our conversations focused on four main points: (1) the fallout and opportunities created by the COVID-19 pandemic, for both graduates and students, and for both Summer 2020 and Summer 2021; (2) the impact of the pandemic, and widespread social justice protests, on pro bono opportunities; (3) new partnerships between law firms and public interest organizations; and (4) bar exam changes for Summer 2020, and the consequences of those changes faced by graduates focused on public service employment. Common themes within each of these four talking points quickly emerged as we began and continued our outreach. Below we have tried to capture what we learned.

Our Contacts

Again, this is not a statistically sound sample of the PSS, though we did try to cover all of the NALP regions, as well as a broad range of the U.S. and Canada. We also tried to connect with employer members of NALP. Here are the locations we scanned:

British Columbia	Georgia	Michigan
California	Illinois	Minnesota
Colorado	Indiana	Pennsylvania
Connecticut	Maryland	Texas
Florida		

Discussion Topic 1(A): Pandemic-related Fallout and Opportunities for 2020 Graduates

We found that it was early in the public service recruiting cycle to gauge the state of the job market for 2020 graduates. With the widespread delay in administration of bar examinations, and the tendency of public service employers to fill openings with attorneys already licensed to practice, it was too soon to tell whether the pandemic has created a period of boom or a period of bust for public service employers.

Nonetheless, our colleagues across NALP are not taking a wait-and-see approach. Instead, they are actively engaging public service employers, seeking to get a sense of their anticipated hiring needs and building relationships between law school career services and public interest organizations.

In some locations, there is already clear pandemic-related fallout in opportunities for 2020 graduates. We found fallout in states that have implemented public sector hiring freezes. Anecdotes we gathered regarding fallout and opportunities include:

- *Opportunity:* In Indiana, a prominent legal aid organization received grant funding and will be hiring new attorneys.
- *Opportunity:* Michigan, and Detroit in particular, is anticipating an eviction crisis as a pandemic-related moratorium on evictions expires. Two legal aid organizations secured grant funding to address this anticipated crisis, and intend to hire 2020 graduates. But, these positions are temporary only.
- *Opportunity:* In Georgia, state government agencies had a sense of their hiring needs around late summer and early fall, after finalization of the state budget. It seems that there will be just as much opportunity in the state government sector as in prior years.
- *Opportunity:* In Florida, specifically Miami, there has not been a decrease in public service opportunities. Graduates have been able to secure positions with public interest organizations, but start dates were delayed in line with the delay in Florida's bar examination, which was administered in mid-October.
- *Opportunity:* In Colorado, the Department of Labor hired five 2020 graduates as a result of a Covid-related rise in unemployment claims.
- *Opportunity:* In Pennsylvania, some public interest organizations were receiving more new donations/funding, which could enable them to expand hiring.
- *Fallout:* In Illinois, public interest organizations are worried about funding. They are concerned about receiving additional support from their existing donor base and about attracting new sources of funding. At the same time, they are experiencing an increased need for their services. It remains uncertain if they will be able to secure the resources required to meet those needs.
- *Fallout:* In Minnesota, a state-wide hiring freeze is affecting state judicial clerkships, prosecutor's offices, public defenders, and state agencies. Some state court judges, particularly in rural parts of the state, have crafted a work-around and are offering temporary (three to six months) clerkships, but students have been reluctant to apply for positions that will return them to the job market so quickly. The Hennepin County (Minneapolis) public defender is rare in extending offers before graduation. It did so in 2020, but has since informed incoming hires that they will be brought on as law clerks instead of attorneys, and that it is uncertain if it will be able to honor the job offers made. A legal aid organization has reduced its full-time job offer down to part-time.
- *Fallout:* In Los Angeles, District Attorney and Public Defender offices had budgets reduced, impacting new hiring.

Discussion Topic 1(B): Pandemic-related Fallout and Opportunities for the Class of 2021 and for Summer 2021 Internships

As we in law school career services monitor fallout and opportunities for our recent graduates in the Class of 2020, we are simultaneously trying to assess what lies ahead for the Class of 2021 and for our 1Ls and 2Ls seeking Summer 2021 internships. By and large, it seems, career services professionals in the PSS are hopeful about public service post-graduate employment prospects for this year's 3Ls and about summer public service internships.

Thus far in the fall semester, federal government honors programs have moved forward unaffected, on the

same recruiting cycle as in non-pandemic years. The same is true for the federal government 2L summer internship programs with fall semester application deadlines. Additionally, schools that have established public service job fairs or on-campus interview programs are moving forward with their plans – albeit in a virtual environment – to host those programs. One unique aspect we will face this spring, however, is the close proximity, and even overlap, of public interest recruiting and law firm recruiting, as most schools delayed the law firm on-campus interview process until December and/or January. It remains to be seen how students and employers will navigate this landscape.

Additional anecdotes include:

- *Opportunity:* This is not directly connected to the pandemic, but in Connecticut, career services professionals anticipate a surge in state government hiring as collective-bargaining agreements expire within the next one to three years, and current long-term employees seek to retire under a more favorable retirement plan.

Discussion Topic 1(C): Pandemic-related Fallout and Opportunities, Public Service Internships, Summer 2020

While the Summer 2020 experience was not without hiccups and disappointments, this portion of our discussion was perhaps the most encouraging. By and large, public service employers were able to adapt to pandemic conditions and offer not only remote internships, but rewarding experiences. Many with whom we spoke attributed this to the inherent ability of public interest organizations to adapt, make do with limited resources, and pivot quickly to meet new challenges. Further, it seems students took note of the different approaches employers took to their Summer 2020 internship programs, noticing in particular that complete cancellations arose more frequently with law firms than with public interest organizations. Some law school professionals have noticed a resulting increase in interest in public service opportunities.

In discussing with our colleagues what they have observed among their students, we also focused on the widespread social justice protests that arose in spring and summer 2020. That movement too has sparked an increased interest in public service work. Here are highlights from our discussions.

- *Opportunity:* At the University of Texas, there has been an increased interest in public interest work, especially in the areas of criminal justice reform and racial justice. Students who had been wavering on whether they wanted to pursue a public service career are now committed to doing so.
- *Opportunity:* In Illinois, public interest employers were able to smoothly pivot to a virtual program. Interns felt valued and like they were able to have a meaningful impact. Employers displayed resilience and creative thinking. They strived to make interns feel like they were part of a larger community. This may have been easier to achieve in the public interest sector because a sense of community already exists among those who aspire to be public service lawyers. As Brent Page remarked, “the intention is already there.” Additionally, public interest employers turned to summer interns for tech support and creative ideas as they adjusted to a virtual office. Organizations displayed creative thinking, doing things like meeting with clients in a park, holding outdoor pop-up legal services sessions, and hosting online community training programs.
- *Opportunity:* In Florida, Marni Lennon, at the University of Miami, commented that the public interest sector is always one that has had to adapt, with short notice and limited resources. It already has the necessary toolkit. The pandemic has shown us just how resilient and resourceful public interest employers are. In Summer 2020, students with public interest internships contributed to efforts like creating short video tutorials for community organizers, delivering train-the-trainer modules, and creating self-help resources. Students are feeling an elevated sense of purpose now, particularly after the death of George Floyd. Nearly half of the 1L class enrolled in a public interest mentoring program, a huge spike in comparison to prior years.

- *Opportunity:* In Colorado, the pandemic resulted in a number of new volunteer opportunities to assist organizations and bar association/organization partnerships with civil matters in employment, bankruptcy, consumer law, public benefits and so on. Denver also has a new COVID-19 Eviction Defense Project that was taking volunteers to help protect tenants when the eviction moratoriums end, although some of that work was not yet urgent in light of temporary eviction moratoriums.
- *Fallout:* At the University of Minnesota, students seemed discouraged after their Summer 2020 experience. They are craving an in-person opportunity now, and have had trouble distinguishing between whether it was their summer job they did not like, or the nature of a remote internship experience. Many Summer 2020 internship offers evaporated, even late into the summer, as employers tried to figure out if they could offer a remote experience. With help from a strong alumni network, alternative placements were secured, but not always in an area of interest to the student.
- *Fallout:* In Detroit, about 80% of public service employers had to cancel their Summer 2020 internship program. They struggled with figuring out how to on-board interns in a virtual environment and craft a remote experience. At Detroit Mercy Law, many students could not secure a summer internship. (Students are focused almost exclusively on Detroit and the surrounding area.) Summer internship placements were down by about two-thirds.
- *Fallout:* We heard from some public interest employers that the remote nature of the summer work experience precluded students from comfortably accepting offers to work in geographic areas with which they were not familiar. (As Lilli Evans mentioned at the NALP mini-conference, students who had planned to live in New York for the summer to determine whether they would like living there were unable to make that analysis.)

Discussion Topic 2: Pro Bono Opportunities, and Best Practices for Providing Remote Services

Most of our contacts commented that they have either seen or anticipate an influx of pro bono opportunities, given the moment in which we find ourselves and the potential to contribute remotely. But, we found that schools with an established pro bono program and dedicated pro bono administrator are best positioned to help students take advantage of this increase in pro bono opportunities.

In talking about the pro bono environment, we also touched upon best practices our colleagues have observed for providing services remotely. We received a lot of helpful observations and suggestions for professional development programming. We found, too, that new programming has been inspired not only by the pandemic, but also by the renewed national focus on social and racial justice. Here are the anecdotes:

- Indiana University has switched from using the Symplicity platform to 12Twenty, and plans to use a 12Twenty feature that invites students to take a pro bono pledge. They started speaking with 1Ls about pro bono opportunities in the fall, after seeing an increased interest. In years prior, they had waited until spring semester to have these conversations. There has been an increase in pro bono work in the areas of domestic violence and eviction. New professional development programming this year includes a session focused on cultural competence and working with impoverished populations disproportionately affected by the pandemic, and a summit with area public defenders focused on recruiting more attorneys of color.
- The University of Connecticut has seen new pro bono opportunities arise around the 2020 election and immigration law issues. To help the incoming 1L class feel connected to the law school in a remote learning environment, and potentially seize some of these new opportunities, the career development office launched a summer advising program through which they worked with incoming 1Ls on using Symplicity, drafting resumes and cover letters, and using internship search

resources. About one-third of the 1L class opted to participate. UConn plans to continue this program in the future, even in the absence of a pandemic and virtual learning.

- The University of Texas has a robust pro bono program and dedicated pro bono coordinator. But, they have not been able to generate new remote opportunities; most pro bono work remains in person.
- In Illinois, the Public Interest Law Initiative (PILI) focused in Summer 2020 on providing training for internship supervisors who found themselves in a new remote and virtual environment. The training covered supervision techniques and best practices for a virtual internship. Regular communication was encouraged, as was the creation of opportunities to engage in casual office chatter, ask questions, and check in. PILI surveys student and attorney participants in its program each year, and the survey results after Summer 2020 were overwhelmingly positive, even more so than in years past.
- The University of Miami also worked with students on best practices for a remote internship and offered training on things like how to manage up, appropriate protocol and decorum for a virtual workplace, and acquiring self-directed research skills.
- At the University of Minnesota, career advisors have counseled students on how to facilitate casual interactions in a remote setting and have encouraged students to do things like schedule virtual coffee dates and be open and willing to talk on the phone – many Gen Zers are completely unfamiliar with modes of communication that are not text-based!

Discussion Topic 3: Partnerships between Public Interest Employers and Law Firms

We did not find much activity in the area of public interest-law firm partnerships. But, there were a few efforts worth noting.

- At Holland & Knight's Tampa office, 2020 summer associates spent 10-20% of their time on pro bono projects, and much of that work involved social justice issues. The firm has been inspired to form new pro bono partnerships with area social justice organizations.
- In Detroit, one large law firm that canceled its Summer 2020 program ended up partnering with an area legal aid organization to offer a public interest summer internship experience. Students who had planned to summer with the firm were given preference for these opportunities.
- PILI runs a legal services hotline in Illinois for which many law firm attorneys volunteer. They saw a large uptick in attorney interest in contributing to that hotline.
- Ropes and Gray announced a fellowship program – a voluntary associate deferral program – to pay \$80,000 (and provide health insurance) to incoming first-year attorneys to work at a public interest organization for a year.
- Los Angeles created a program called "LA Represents," through the City Attorney's office. It is a coalition of law firms, bar associations and attorneys put together to provide COVID-19-related legal services to the LA community, including helping tenants, domestic violence victims, and low-income individuals with employment, consumer debt, and bankruptcy matters.
- While perhaps this falls under the "Pro Bono" heading, there is a robust partnership among the 23 Canadian law schools, which collaborate on creating opportunities. Pro Bono Students Canada is a national organization run out of the University of Toronto (but as a separate entity). Each school has a chapter, and two students are hired each summer to work on developing pro bono opportunities.

Discussion Topic 4: The Bar Exam and Impact of Testing Delays

All of our U.S. contacts experienced change in administration of the bar exam in their state. Even where the exam was still offered in July, the number of test takers permitted was decreased dramatically, causing some students to have to wait until the fall to sit for the exam. It does not seem that delayed bar exams

have resulted in a decrease in public service sector hiring, although in some instances it has delayed hiring decisions, both because public service employers tend to wait for graduates to take and pass the bar, and because public service employers often feel more confident extending offers after new graduates have ruled out private practice opportunities. Anecdotally, some public interest organizations were considering pushing back hiring until January, in response to delayed hiring by private firms, because they do not want new hires to renege in January when private firms make offers. Likewise, some organizations were pushing back hiring decisions until they had a better sense of whether a new hire's work would begin live or remote.

Some non-profit organizations had the short-term benefit of deferred start dates. For example, Greenberg Traurig reportedly was sending some deferred associates to Atlanta Legal Aid. And some states were considering adopting provisional licenses or limited practice options to counter the effect of bar postponement.

Canadian law graduates were not impacted in the same way as their U.S. counterparts, because they do not take bar exams. Canada has articling for its new law school graduates, and they can go into court, etc., while articling.

On a mental/emotional note, the bar exam chaos has had an impact on the Class of 2020. As Marni Lennon at the University of Miami noted, this year's graduates feel utterly abandoned by the profession they have worked so hard to join. This could have a lasting impact, as graduates struggle to overcome feeling embittered and unsupported. For the Class of 2020, the salient question is not, how has a delayed bar exam impacted your job search, but instead, how have you been impacted by bar exam uncertainties in the midst of a pandemic?

Where Do We Go From Here?

Most of us in NALP are now juggling responsibilities that, until COVID, had never coincided, including on-campus interview season and public service job fairs. We are still adjusting to virtual interview and job fair platforms, and helping our students navigate this landscape. Given the demands on our time, now is likely not the best moment to continue to seek to engage in one-on-one environmental scanning conversations.

Further, much of the rich, new data on public service internship and employment outcomes will come to light *after* our current winter and spring recruiting. We wonder, for example, whether schools experienced a decline in employer participation in their public service job fairs; whether, given the overlap between on-campus interviews in which law firms participate and the public service hiring timeline, schools and public service employers experienced an increase in the number of students renegeing on their acceptance of a public service job offer; and whether the public service sector has returned to pre-COVID levels as the most likely summer employer of 1L students.

We therefore propose revisiting our environmental scanning efforts upon the close of the 2020-2021 academic year, if the PSS agrees doing so would be useful.

LRAP/CCRA WORK GROUP

The LRAP Working Group continues with two efforts. In the first quarter of the year, the working group posted some resources in NALP Connect that should continue to be helpful as we monitor public service loan forgiveness and student debt issues during the ongoing pandemic. The Working Group also continues to update Equal Justice Works resources that catalog Loan Repayment Assistance Programs throughout the country and anticipates that this project will be completed by the end of March 2021. On January 20, 2021, President Joe Biden signed an executive order extending the suspension of loan payments, a pause on the collections on defaulted loans, and set interest rates to 0% until at least September 30, 2021. We wanted to share with you the Student Borrower

Protection Center's report and the American Federation of Teachers 'Why FFEL Borrowers Are Routinely Denied Access to PSLF'. Read the [Report](#).

MEMBER RELATIONS WORK GROUP

In the last six months, the Public Service Section welcomed twelve new members. Though the Work Group has not met this quarter, its plans for the future include:

- Welcoming new members and helping to connect them with work groups and NALP initiatives aligned with their goals and interests
- Implementing Section Mentors to help new members navigate the Section and NALP
- Hosting virtual social or happy hour to reconnect with colleagues and introduce new members to seasoned members
- Encouraging greater use of NALP Connect as a quasi-social media platform
- Designing or promoting short NALP Connect video tutorials
- Hosting a short quarterly new member orientation with Public Service Section Chairs and Work Group Chairs to acquaint new members with our work, Work Groups, and resources
- Challenging and incentivizing Work Group Chairs to recruit at least one new member (1 year or less) to their respective Work Groups
- Designing a “Member Spotlight”

MINI-CONFERENCE PLANNING WORK GROUP

With the need to go virtual, Mini Conference was held over three days this year in October and December and included Public Interest Advising 101, our Public Service Section meeting, and a mix of breakouts and plenaries relevant to this unprecedented year. Two incredible highlights of the event were discussions on disability rights led by Lydia X.Z. Brown and racial justice movement lawyering by Marbre Stahly-Butts, ED of Law for Black Lives. We were also able to host panels focused on distance lawyering and remote interviewing that provided critical insight and tips to navigating this new environment for students and advisors featuring perspectives from both employers and law schools. Overall, we had 72 members participate in this year’s Mini Conference and we greatly appreciate the section’s input in the development of the programming and in their flexibility with the redesigned format.

PRO BONO WORK GROUP:

This Work Group met on 1/19/2021 and discussed their projects for the year and the interplay with similar efforts being undertaken by AALS (ie – resource bank of best practices the AALS group has been working on vs. the NALP resources on PSJD). Laura and Jen will be continuing to finish off the Plug and Play Pro Bono Curriculum for law schools, Lauren and Kiva will continue to serve as liaisons with the AALS Pro Bono group, and there was an extended conversation with Sam over remote Pro Bono opportunities Database and how that can live on the PSJD website.

The tentative remaining Work Group meeting is scheduled for March 25, 2021 – 3-4 p.m. EDT

PSJD RESOURCES WORK GROUP

The process of evaluating and creating a system for updating the resources available on PSJD is still ongoing. We are using this time to assess the resources and categorize how often they should be updated. The overall effort is to better keep track of what materials we have and making sure everything is still relevant and valuable for students.

PUBLICATIONS WORK GROUP

The Publications Work Group has worked with section members to produce excellent articles relating to pro bono engagement, counseling diverse students, remote supervision, and more in the last quarter. The group co-chairs are still soliciting authors for July, August, and September of 2021. Authors are asked to write 750 words on a topic of their choice, and two authors are welcome to work together on an article. Below is the most updated slate of

Public Service Section articles for the 2020–21 NALP Bulletin:

September: Improving Listening Skills for Counseling Diverse Students (Sharon Buckingham)

October: Career Counselors' Role in Supporting Students Fight to End Racial Injustice (Elyse Diamond)

November: Successes of a Pro Bono Veterans Clinic (Cybele Smith)

December: Effective Remote Supervision of Student Interns (Alexi Freeman and Kristen Hulse)

January: Intersection Between Law Student Personalities and Pro Bono Engagement (Kiva Zytnick)

February: Impact on Public Interest Hiring: NALP Principles, CCF, and COVID-19 (Claire Cusella and Rochelle McCain)

March: Lessons Learned from Civic Engagement Program (Anne Sexton)

April: NALP "Memories" Placeholder (TBD)

May: Racial and Sexual Harassment in an Internship: How to Help your Students (Jody Stein)

June: Fellowship Project Proposals in the Wake of COVID-19 (Brooke Meckler)

July: TBD

August: TBD

September: TBD

NALP ANNUAL EDUCATION CONFERENCE AND WEBINAR PLANNING WORK GROUP

The Section's Annual RFPs were submitted and three programs were selected (below). The Work Group put another offer out to assist anyone who is interested in offering/running a webinar program, and can offer ideas. There are so many virtual programs offered right now, and we know everyone very busy, if not somewhat overwhelmed, managing remote work and the rest.

- Judicial Clerkships: A Strategic Stop on the Public Interest Career Path [Susan Curry, Michele Hoff, Alison Kennedy]
- Our Virtual Reality – Public Interest/Public Service Hiring During and Post COVID-19 [Lillian Evans, Sara Malan, Claire Cusella]
- Virtual Public Interest Career Fairs – Standing out in the (Zoom) Spotlight [Lillian Evans, Samantha Kasmarek, Brooke Meckler]

The AEC is going to be fully remote with all panels pre-recorded. The group led a short questions/feedback session after its report, in order to gather from the public service community information about what they would like to hear in those panels. Since there won't be an opportunity to take questions for these pre-recorded AEC sessions, we want to make sure the panels are addressing what people want to know. It was suggested that: we ask for registrants to submit questions in advance through NALP; we have PS members reach out directly to the presenters with suggestions on what to include; for the Career Fair session; we hear from EJW on their thoughts/lessons learned after having conducted the 2020 EJW Conference; we find a way to incorporate our own professional development and "Table Talk"/informal connections during the conference.

The next Public Section meeting will be held during the AEC.