



Investing in Justice:

A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys

**Published by The Chicago Bar Foundation and the Illinois Coalition for Equal Justice
November 2006**

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Preface

On behalf of the Illinois Coalition for Equal Justice, we are pleased to present *Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys*, which represents the first in-depth exploration of the factors impacting legal aid attorney recruitment and retention in Illinois.

Legal aid attorneys are the core of Illinois' legal aid delivery system, a key component of Illinois' safety net. Each day, they help low-income people all over the state resolve serious issues that threaten their safety and independence, including issues like domestic violence and predatory lending. However, Illinois legal aid attorneys are a limited resource. There are only 280 full-time legal aid lawyers in the entire state to serve low-income Illinoisans — a ratio of one legal aid lawyer for every 4,752 legal problems faced by low-income Illinoisans.

This report documents the disturbing finding that almost half of Illinois legal aid attorneys plan to leave their positions in the next three years. This number climbs to 73% for the single-earner, newer attorneys who took the bar exam after 2000. While the reasons for their planned departures vary, financial pressures play a major role, especially for the newer attorneys. Illinois legal aid salaries have not kept pace with salaries for lawyers in other public service organizations, inflation or rapidly escalating law school tuitions. Legal aid attorneys also identified limited professional support and development opportunities (such as training and mentoring), as well as frequent, demanding client interactions as other factors impacting their decisions to leave.

This report includes a discussion of the key findings of the study and concludes with a comprehensive set of recommendations to help stakeholders in Illinois' legal aid delivery system address the recruitment and retention challenges legal aid organizations face. Responsibility for addressing these issues does not fall with one stakeholder group. It will take a determined and coordinated effort by all stakeholders — including legal aid organizations and their boards, funders, law school, governments and the legal profession — to help legal aid organizations address these challenges.

The stakes are high for Illinois' legal aid delivery system. The civil legal aid organizations serving Illinois help to keep families and the communities in which they live stable. The efforts of these organizations are often the key to preventing serious problems like domestic violence, predatory lending, illegal evictions, and child support difficulties from spiraling into crises. But these organizations will deteriorate if they cannot attract and retain the most talented and committed attorneys to provide critical legal services to Illinoisans. Without high quality and experienced staff, the quest to fulfill our nation's promise of equal access to justice in Illinois cannot succeed. Investing in these attorneys is an investment in justice, and we must act now.

Jennifer T. Nijman
Winston & Strawn

Sheldon H. Roodman
Legal Assistance Foundation of Metropolitan Chicago

*Co-Chairs, Illinois Coalition for Equal Justice Steering Committee,
November 2006*

Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys

Research Director and Co-author

Megan Connolly
Working Standards

Editor and Co-author

Dina R. Merrell
The Chicago Bar Foundation

Illinois Coalition for Equal Justice Steering Committee

Steering Committee Co-Chairs

Jennifer T. Nijman
Winston & Strawn

Sheldon H. Roodman
*Legal Assistance Foundation of
Metropolitan Chicago*

Steering Committee Members

Robert B. Acton
Cabrini Green Legal Aid Clinic

Leslie Corbett
Illinois Equal Justice Foundation

Susan J. Curry
Public Interest Law Initiative

Joseph A. Dailing
Illinois Coalition for Equal Justice

Bob Glaves
The Chicago Bar Foundation

Lindsay Hansen
Attorney at Law

Susan Lewers
Illinois Bar Foundation

Roslyn C. Lieb
Just the Beginning Foundation

Mary Meg McCarthy
National Immigrant Justice Center

Rita McLennon
Sargent Shriver National Center on Poverty Law

Mark R. Marquardt
Lawyers Trust Fund of Illinois

LeRoy Pernell
Northern Illinois University College of Law

Ruth Ann Schmitt
Lawyers Trust Fund of Illinois

Lois J. Wood
Land of Lincoln Legal Assistance Foundation

Executive Summary

Legal aid attorneys are the Illinois legal aid system's greatest asset. However, they are a precious resource in limited supply. According to *The Legal Aid Safety Net* study, there are only 280 full-time legal aid lawyers in the entire state to serve low-income Illinoisans — a ratio of one legal aid lawyer for every 4,752 legal problems faced by the poor.

The thousands of Illinoisans who depend on legal aid attorneys include low-income children and families victimized by domestic violence, seniors threatened with abuse and financial exploitation, veterans seeking benefits that have wrongfully been denied to them, and many others facing issues threatening their safety and independence. Legal aid prevents these problems from spiraling into crises and helps low-income Illinoisans achieve and maintain self-sufficiency. Without the expertise, skill and commitment of legal aid attorneys, a key component of Illinois' safety net, the legal aid delivery system, would grind to a halt.

Illinois' legal aid system faces a simmering crisis that, if left unaddressed, will get worse. Forty-two percent (42%) of Illinois legal aid attorneys plan to leave their position in the next three years. The reasons for their planned departures vary, but financial challenges play a key role. Other factors repeatedly cited by current and former legal aid attorneys as reasons for their departure include limited professional support and development opportunities (such as training and mentoring), as well as frequent, demanding client interactions.

Legal aid organizations face significant challenges in recruiting and retaining attorneys. These challenges stem from a confluence of factors. Over the past twenty-five years, legal aid salaries have failed to keep pace with other public service salaries. For too long, stakeholders in Illinois' legal aid organizations, a group that includes boards and executive directors of legal aid organizations, federal, state and local governments, law schools, funders, and the legal profession, have come to accept the inadequate legal aid compensation structure, resigning themselves to its uncomfortable reality.

It does not have to be this way, and indeed it cannot remain so if the legal aid system is to play its critical role in the lives of low-income Illinoisans.

Another significant factor influencing legal aid's recruiting and retention challenges are escalating law school tuitions. Due to rising law school tuitions, an increasing number of law students are borrowing more and more money to support their law school attendance. Many are stretching their loan repayment over twenty years, with thirty year repayments becoming increasingly common. With a reported median law school debt in excess of \$60,000 — a number which is closer to \$100,000 for many newer attorneys — and a starting salary averaging \$38,500, the majority of Illinois legal aid attorneys struggle every day to make ends meet.

Attorneys at both ends of the tenure spectrum experience the strain of a legal aid system under stress. Young lawyers interested in pursuing legal aid careers must make tough decisions in light of their significant law school debt burden and comparably low salaries. Financial pressures are particularly acute for attorneys in the second to fourth year of their employment. In addition, more seasoned attorneys who have already paid off educational debts worry about meeting the needs of their families and saving for a secure retirement.

The recruitment and retention challenges faced by Illinois legal aid organizations are particularly alarming as many of today's legal aid leaders are nearing retirement age. The stakeholders of the legal aid community must work to ensure that a new generation of legal aid lawyers is there to anchor our justice system.

The Chicago Bar Foundation and the Illinois Coalition for Equal Justice launched this study in order to gain a comprehensive understanding of the factors impacting legal aid attorney recruitment and retention. This report is organized to highlight findings in the following key areas:

Almost half of Illinois' legal aid attorneys plan to leave their legal aid jobs within the next three years.

Illinois legal aid attorneys who plan to leave or have already left legal aid place a high priority on and are dissatisfied with pay, professional support, and professional advancement opportunities. The two to four year mark is a time in a legal aid attorney's tenure when he or she is at the highest risk of leaving voluntarily. Attorneys

leaving at the two to four year mark leave just at the point when they have acquired considerable experience, and legal aid organizations have invested considerable time and resources into their development. Their departure inflicts high costs on legal aid organizations, the overall legal aid delivery system and, ultimately, the whole community.

There is a strong relationship between the financial pressure felt by an attorney and his or her turnover intentions.

Financial pressures are particularly acute for newer attorneys who feel the burden of large law school debt. Seventy-three percent (73%) of single earner, post-2000 bar exam attorneys report an intention to leave their legal aid position in the next three years (versus 42% of the total group of attorneys surveyed). In addition, while pay dissatisfaction was the strongest correlate of turnover intentions in the current group of attorneys surveyed, it was also the number one factor associated with the departure of the group of former legal aid attorneys surveyed. A typical legal aid attorney in Illinois earns a salary in the low- to mid- \$40,000 range. In 2005, an attorney could expect a 103% rise in salary if she made the decision to seek employment in a private setting (of 1–50 attorneys). This difference jumped to 200% if a move was made to one of the state’s larger firms (251+ attorneys).

Starting salaries for Illinois legal aid attorneys have not kept pace with the meteoric rise of law school debt, and are not on par with other public service salaries.

Law school tuitions have increased 7%–20% *per year* over the past five years. Law school tuition is four to seven times higher than it was in 1985. The median reported law school debt for Illinois legal attorneys was \$60,000, with many of the newer attorneys reporting law school debt in excess of \$100,000. Many also have undergraduate debt in addition to their law school debt.

As law school debt has risen, legal aid salaries have lagged. In 2005, the median legal aid starting salary in Illinois was \$38,500. Salaries for legal aid lawyers are significantly lower than those in private practice and lower than other public service salaries. Private practice salaries have risen at a much faster rate than legal aid salaries. As attorneys gain experience, legal aid salary increases lag behind salary increases paid by other public service organizations.

Illinois legal aid lawyers are stretching out their law school loan repayment over 22 years, with 30-year repayment plans becoming increasingly common.

Not only are law students borrowing more money to attend law school, they are financing it over longer periods of time. While a ten-year repayment period was the norm ten years ago, today Illinois legal aid lawyers are financing their law school debt over a 22 plus-year period, similar to the period of time people take to pay off their mortgages. By amortizing their loan repayment over twenty and thirty year periods, borrowers are paying significantly more interest over the extended life of their educational loans, and deferring decisions, such as buying a home or starting a family.

To help ease their financial pressures, Illinois legal aid attorneys indicated a need for (1) a modest increase in compensation and (2) loan repayment assistance.

Most attorneys who pursue a legal aid career do so with the knowledge that by accepting such a position, they will make some financial sacrifices. When asked about the amount of additional compensation or loan repayment assistance necessary to impact the decision to remain in a legal aid job, Illinois legal aid attorneys indicated very modest amounts. The median amount of necessary compensation they identified was \$10,000 annually. The median amount of necessary annual loan repayment assistance to help them pay back student loans was \$5,000. When the post-2000 bar exam group (who are experiencing more financial pressure due to escalating law school debt burden) is isolated from the larger sample, 42% indicated that increased compensation would “definitely” impact their decision to leave and 47% indicated that the provision of loan repayment assistance would “definitely” impact their decision to remain in their jobs.

Fewer and fewer law students can afford to make the choice to become and remain legal aid attorneys.

Many young attorneys must forgo a legal aid career because of their inability to make ends meet while satisfying their law school debt. Others who initially join a legal aid organization struggle to get by and find it impossible to continue due to financial burdens.

Compensation is not the only factor influencing turnover.

Legal aid attorneys who intend to leave in the next three years also indicate dissatisfaction with professional support and professional advancement opportunities. Over half of the legal aid staff attorneys surveyed expressed a need for more training on working with mentally ill clients. Over half of managing attorneys want training to improve their supervisory skills.

The frequency with which an attorney experiences demanding client interactions is strongly associated with his or her likelihood of turnover.

Legal aid attorneys regularly deal with clients who are in crisis. Many of these clients grapple with life-threatening or critical issues, such as access to housing or healthcare. The client may be an elderly woman losing her home to the actions of a predatory lender; she may be trying to escape a violent situation at home while trying to keep custody of her children or the client might be a mentally ill veteran who is trying to obtain medical and other benefits. Because of the nature of their work, legal aid attorneys routinely experience demanding client interactions when a client has emotional needs or a mental illness that a legal aid attorney does not have the skills to manage. Sixty-percent (60%) of attorneys experiencing frequent, demanding client interactions plan on leaving their positions in the next three years.

One of the stronger correlates of turnover intent is the attorney's original goal for pursuing a legal aid position.

Attorneys who sought their positions to help others are twice as likely to stay in their positions as attorneys who sought their positions primarily to obtain job or litigation experience.

Turnover cost is considerable to legal aid organizations, but also to the clients they serve.

The cost of losing approximately 10% of Illinois' legal aid attorneys per year (in accumulated knowledge, recruiting and re-training costs) is *at minimum* \$911,372 per year, or \$32,549 per exiting attorney. Losing 10% of the legal aid attorney workforce in one year can result in 9,245 fewer legal aid clients across Illinois being served in a year. So while turnover has a tremendous impact on individual legal aid organizations, it results in a significantly lower number of individuals receiving the help they need to deal with important issues impacting their safety and independence (such as domestic violence, child support or losing their home through mortgage foreclosure).

* * *

The report concludes with a comprehensive set of recommendations to help stakeholders in Illinois' legal aid delivery system — legal aid organizations and their boards, funders, law schools, governments and the legal profession — address recruitment and retention challenges to help promote long-term stability for these organizations as well as to help the organizations serve their clients more effectively. The responsibility for addressing these challenges does not rest solely with legal aid organizations or any other stakeholder group. Rather, it will take a concerted effort by all stakeholders to help legal aid organizations address these issues. Each stakeholder group has contributed to these problems in varying degrees, and all need to be part of the solution.

The civil legal aid organizations serving Illinois build healthier and more stable families and communities. The efforts of these organizations are often the key to preventing social problems like domestic violence, predatory lending, illegal evictions, and child support difficulties from spiraling into crises. But these organizations will fall apart if they cannot attract and retain the most talented attorneys to provide critical services to Illinoisans. It is crucial for the health of Illinois' legal aid delivery system and the community as a whole that the community respond to the recruiting and retention challenges identified in this study.

Recommendations

Introduction

Legal aid organizations today face significant challenges in the recruitment and retention of attorneys. Throughout Illinois, legal aid organizations have limited budgets and resources, and are inundated with far more requests for legal assistance than they can handle.

Legal aid salaries have not kept pace with salaries for lawyers in public service organizations, inflation or rapidly escalating law school tuitions and other fees. Consequently, it has become increasingly difficult for legal aid attorneys to make ends meet on relatively modest salaries while paying off their educational loans. As this study underscores, financial pressures are particularly challenging for newer attorneys in the second to fourth year of their employment. It is also harder for legal aid organizations to retain experienced attorneys. More senior attorneys, who long ago paid off their educational debt, are concerned about meeting the needs of their families as well as saving for a secure retirement.

Stakeholders in Illinois' legal aid organizations, a group that includes boards and executive directors of legal aid organizations, federal, state and local governments, law schools, funders, and the legal profession, have come to accept the inadequate legal aid compensation structure, resigning themselves that this is the way it has to be. But, it does not have to be this way, and indeed it cannot remain so if the legal aid system is to play its critical role in the lives of low-income Illinoisans. Legal aid organizations must make providing adequate compensation to their core assets—their staff attorneys—a higher priority. And, funders of legal aid organizations must support their efforts to do so. Without high quality and experienced staff, access to justice for all Illinoisans will be even harder to attain.

While providing reasonable compensation is a major challenge for these organizations, other factors also confront these organizations and influence attorneys' decisions to leave legal aid. Among these factors are professional support and development, such as mentoring and a variety of skills training, and professional advancement opportunities. With the limited budgets of these organizations, improvement on these fronts will require additional resources and creative thinking.

The responsibility for addressing these challenges does not rest solely with legal aid organizations or any other stakeholder group. Rather, it will take a concerted effort by all stakeholders to help legal aid organizations address these issues. The boards and executive directors of legal aid organizations, federal, state and local governments, law schools, funders, and the legal profession have contributed to this problem in varying degrees and all need to be part of the solution.

The recommendations below suggest a comprehensive strategy designed to address the recruitment and retention challenges faced by legal aid organizations and to help these organizations achieve long-term stability.

Legal Aid Organizations

Using the report findings as a framework, program staff and boards of legal aid organizations should develop a comprehensive plan identifying short-term and long-term goals designed to help their organizations address these recruitment and retention challenges. For organizations struggling with staff attorney retention, these plans should emphasize retaining attorneys in the two to four year range. Refer to Appendix E for a check-list to help guide this planning process.

Legal aid organizations should:

Compensation

- Provide staff with compensation at a level that will enable them to pay off educational loans, enjoy a reasonable standard of living and prepare for a secure retirement. At a minimum, legal aid compensation should be comparable to compensation paid to government or other public service lawyers. Committed and talented legal aid attorneys should not be forced to leave their jobs because they cannot make ends meet.
- Examine their own turnover rate and consider costs associated with turnover when developing their organization's salary structures.
- Give employees adequate retirement benefits, contribute to each employee's retirement plan, and encourage employees to make a contribution to the plan.

Human Resources Practices

- During the interview process for new staff attorneys, integrate questions and discussions that address the turnover predictors identified in the study, such as a candidate's reason for pursuing a legal aid position and professional development goals.
- Conduct annual employee satisfaction surveys, inquiring about attorney turnover intentions, compensation, advancement, supervisory practices, workload and stress.
- Hold exit interviews with all departing attorneys to identify reasons for their departure and suggestions for improvement.

Professional Development

- Provide regular skills training, such as trial skills, management, and time management training, to enhance legal aid lawyers' professional growth and to enable them to continue providing high quality legal services to their clients. In light of limited resources, organizations should explore partnering opportunities for trainings, including teaming up with social service organizations, bar associations, funders, other legal aid or nonprofit organizations, law firms, corporations and other groups.
- Explore opportunities to match up less experienced staff attorneys with more experienced staff attorneys or other attorneys in the broader community acting as mentors to provide support and additional professional development opportunities.
- Develop advancement opportunities for attorneys and provide varying and/or expanding job responsibilities to further promote professional development and to counter burnout and monotony.

Social Services Support

- Hire, contract, or partner with social workers to provide case management and clinical social work services to clients whose needs are beyond the scope of an attorney-client relationship. Through this service, clients will receive more holistic services and legal aid lawyers will receive much needed support to help them become more effective in serving their clients.
- Provide legal aid staff with regular training on working with difficult or angry people, serving mentally ill clients, and other related topics that will help the organizations serve these client populations more effectively.

Funders

Funders and donors play a unique role in supporting legal aid organizations. By working with legal aid organizations to support their efforts to address recruitment and retention challenges, funders and donors can promote long-term stability for these organizations as well as help the organizations more effectively serve their clients.

Foundations and government funders that support legal aid organizations should:

- Understand that legal aid organizations face many challenges in supporting an adequate compensation system, and recognize that programs must increase salaries to retain talented and committed attorneys.
- Support and encourage the programs' comprehensive efforts to address recruitment and retention challenges. When doing so, funders must recognize that by making this issue a priority, programs may need to make short-term decisions, such as deferring hiring additional staff attorneys, in order to strengthen programs for the long term. Funders should balance their concern with the short-term numbers of clients served with an appreciation for legal aid organizations' recruitment and retention initiatives.
- Recognize that unrestricted grants are a critical component in addressing recruitment and retention challenges. By making unrestricted grants to legal aid organizations, funders are supporting the organizations' efforts to attain long-term stability.
- Consider creating and/or funding more loan repayment assistance programs, post-graduate legal aid fellowships, and public interest law school scholarships.
- Consider legal aid organizations' efforts to address recruitment and retention challenges when awarding grants.

Law firms, corporations and individual donors should:

- Understand that legal aid organizations face many challenges in supporting an adequate compensation system, and recognize that programs must increase salaries to retain talented and committed attorneys.
- Recognize that unrestricted donations are a critical component in addressing the recruitment and retention challenges faced by legal aid organizations. Donors should recognize that by making unrestricted donations to legal aid organizations, they are supporting the organizations' efforts to attain long-term stability.
- Consider making donations to support loan repayment assistance programs, post-graduate legal aid fellowships, and public interest law scholarships.

Law Schools

Law schools must address the impact of skyrocketing tuition on lawyers who want to pursue legal aid careers. Young attorneys' high debt burden, coupled with the lower salaries paid by legal aid organizations, has resulted in an untenable situation: many young attorneys are deciding to forego their intentions to pursue legal aid careers, or because they are unable to make ends meet, are forced to leave two to four years into their legal aid careers for higher paying positions. This problem is particularly frustrating for law school graduates from socio-economic backgrounds most closely aligned with those of legal aid clients, who want to give back to their communities. Often, these graduates, who lack the resources from their families or other sources, must borrow heavily to finance law school education and therefore, are not in a position to accept lower-paying legal aid jobs.

In addition, law schools must inculcate law students with the ethic of public service. Law schools can accomplish this, in part, by offering a range of opportunities designed to make law students aware of the critical role legal aid plays in our justice system and encouraging all students — regardless of their ultimate career goals — to participate in all or some of the activities. This range includes offering legal aid clinics, pro bono programs and public interest law courses with a legal aid service component. By educating law students about legal aid, schools will help build awareness of legal aid's important function in society, but will also help to build realistic expectations about what legal aid work entails for students considering a legal aid career.

Law schools should:

- Provide sufficiently funded public interest law scholarships, post-graduate fellowships, and loan repayment assistance programs. As the entryway to the legal profession, law schools have a special responsibility to provide support to their students who are interested in pursuing and remaining in legal aid careers.
- Make funding of public interest law scholarships and loan repayment assistance programs a priority within the schools' development efforts. Law schools should support and encourage students' efforts to raise funds to support these programs.
- Work with legal aid programs, bar associations, funders, government and other stakeholders to support alumni who are legal aid attorneys, including supporting the creation of public interest law scholarships, post-graduate public interest law fellowships and loan repayment assistance programs.
- Institutionalize formal recognition of alumni who engage in distinctive legal aid careers. Although legal aid attorneys will never be the school's largest donors, their societal and professional contributions should nonetheless be celebrated as a badge of honor for the institution.

Governments

Federal, Illinois and local governments have a responsibility to ensure that their citizens have access to essential human services, including legal aid services. Civil legal aid helps Illinois' most vulnerable residents who have nowhere to turn by preventing or resolving crises that threaten their safety and stability. Legal aid prevents problems like domestic violence, predatory lending, illegal evictions, and child support difficulties from spiraling out of control, which, in turn, reduces the need for costly governmental services that otherwise would be necessary. By working with legal aid organizations to support their efforts to address recruitment and retention challenges, governments can promote long-term stability for these organizations as well as help the organizations serve their clients more effectively.

Federal, Illinois and local government should:

- Create loan repayment assistance programs for legal aid lawyers. At the federal level, Congress should create federal loan forgiveness programs under the Stafford and Perkins Loan Programs for legal aid attorneys who make a commitment to remain in legal aid for a specified number of years (e.g., five).
- Provide full tax deductions to borrowers who are legal aid attorneys for interest paid on law school and other student loans.
- Support efforts by the Legal Services Corporation to create a loan repayment assistance program for the organizations it funds.