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NO FAIR

The deferred associate shuffle

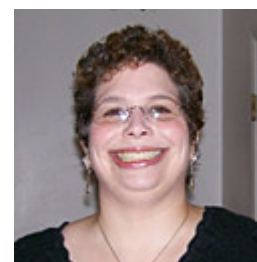
Tracey I. Batt / Special to NLJ.com

May 4, 2009

One of the great truisms of life is that, just when you think things cannot possibly get any worse, they will. If the economy were a Looney Tunes cartoon, this would be the point when, after Wile E. Coyote pancaked himself against a cliff on which he had painted a railway tunnel through which the Road Runner had just run, an actual train would come out of the painted tunnel and knock Wile E. Coyote's flattened form into the ocean, where it would be eaten by a shark.

There seems to be no good news in the world these days, and the world of the law is no exception. In fact, it feels like the legal profession is being hit particularly hard.

Law firms, from the large and venerable to the small and vulnerable, are shutting their doors. Associates are seeing their



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salaries slashed – if they are lucky. The unlucky ones are receiving pink slips. Students graduating from law school have few, if any, employment opportunities available to them. Many unfortunate graduating law students who had been offered firm positions are finding their starting dates deferred. Worse yet, some 3Ls have had their job offers rescinded completely.

In a [recent column](#), I exhorted readers to cheer up, to find some source of humor and joy in every day. Much to my chagrin, in a classic case of "do what I say, not what I do," I am finding this harder and harder to do myself.

I cannot imagine how I would react if I had borrowed a hundred thousand dollars as an investment in my future, stretched each synapse to the limit and excelled in law school for three years, summered at a prestigious firm, ecstatically accepted a post-graduate offer, and then found the rug ripped right out from under my feet (or at least having a much longer runway added onto it).

I recently attended an amazing event, the [Deferred Associates Fair](#) held in Newark, NJ. There, representatives of dozens of New Jersey legal services agencies, including New Jersey Volunteer Lawyers for the Arts, met with more than 100 deferred associates, laid off associates, law school graduates without jobs, and law students who had not yet found post-graduate or summer positions.

The speakers were dynamic and encouraging. The hopefuls were well groomed, polite, enthusiastic, and, well, hopeful. The food was even good. But there was an overall sense of foreboding in the room, a feeling that something had gone dreadfully wrong. This is not how it was supposed to happen. None of these people pushed themselves through three stressful years of law school thinking that there would be nothing waiting for them on the other side.

When I am wearing my "Executive Director of a Legal Services Organization" hat, I acknowledge that the current economic situation is, ironically enough, providing a boon in the form of attorney hours. I cannot emphasize enough that, for admitted attorneys, pro bono work is a great way to use down time to keep your skills sharp and expand into new practice areas. Negotiate and draft an agreement, form a non-profit organization, argue a motion, even handle a litigation from beginning to end. When the dust clears and the economy bounces back, and we must assume that this will happen eventually, then you will be even more marketable than you are today. In addition, many of the firms that have deferred associates have determined that one potential way of serving the pro bono publico in its purest form – the widest possible service "for the public good" – during these difficult times is to encourage deferred associates to spend their deferral periods working for legal services organizations, and providing them a stipend to do so. So our funding is down, but we have additional hands pitching in to help. That helps us bring the situation closer to a balance.

But when I am wearing my "Law School Professor" and my "Mentor to Student Interns" hats, there is much less reason for cheer. So many students ask me to sit down with them over a cup of coffee and brainstorm ideas for employment

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prospects. And I have to tell each one of them that I have very few suggestions for them beyond seeking out rewarding pro bono opportunities. I know of very few places that are hiring.

The kicker is that I enjoyed writing my Entertainment Law final exam more than I enjoyed writing this column. I will endeavor to be more light-hearted and entertaining next time.

Go look at your local Bar Association's list of pro bono legal services organizations.

Tracey I. Batt, Esq., is the Executive Director of New Jersey Volunteer Lawyers for the Arts, Inc., and an Adjunct Professor at Rutgers School of Law – Camden. Before joining NJVLA, she was the Associate Director and Legal Services Manager of Philadelphia Volunteer Lawyers for the Arts as well as an associate at Weil, Gotshal & Manges LLP in New York, where she practiced copyright and music licensing law for seven years.

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