

It's the Salaries, Stupid! ... and Much More:

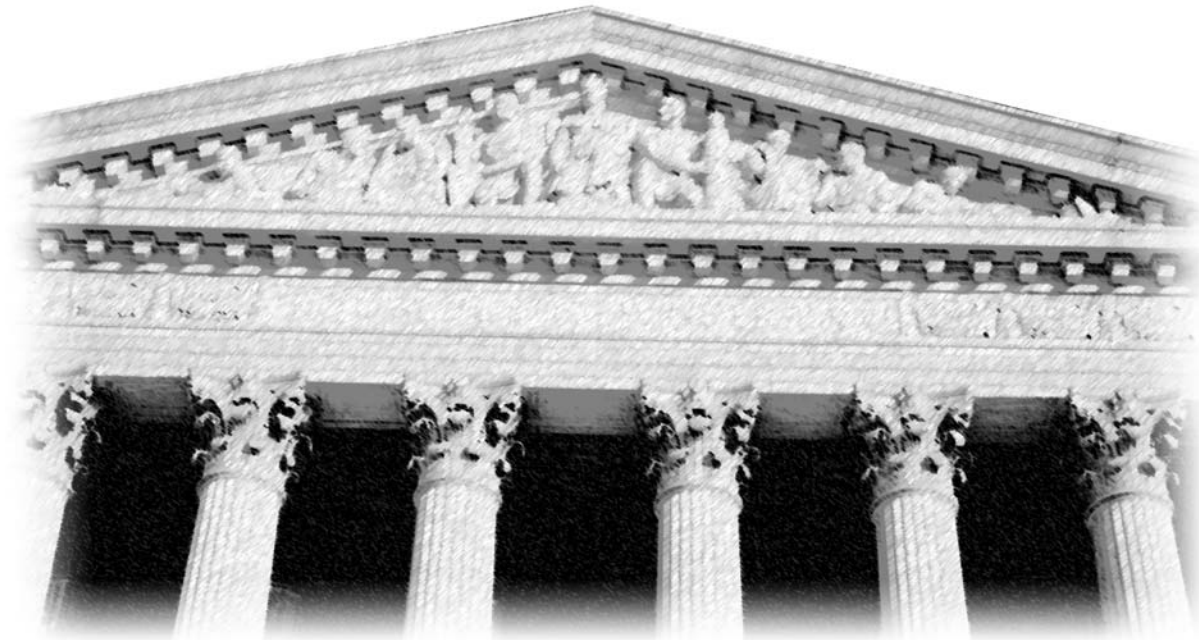
The Developing National
Crisis in the Delivery
of Legal Aid

2007 NLAIDA RETENTION AND
RECRUITMENT SURVEY ANALYSIS

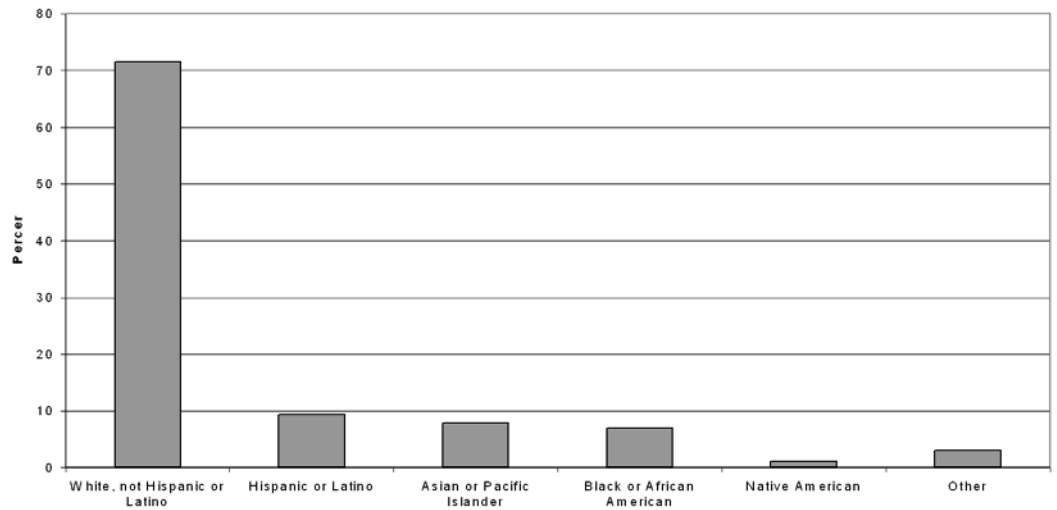
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Legal services programs throughout the country face challenging obstacles to providing meaningful access to justice for the clients and communities they serve. With the reality of limited resources and growing needs, recruiting and retaining dedicated and talented lawyers is as important as ever. The results from a recent survey suggest that the legal services community is largely failing in this effort. The survey, developed and conducted in 2006 by the Recruitment and Retention Committee of NLADA’s Civil Policy Group, garnered 786 responses by attorneys 35 years old and younger.¹ The survey results indicate the extent of the growing crisis in the recruitment and retention of attorneys in civil legal aid practice. A high percentage of survey respondents (40 percent) reported that they expect to leave their current employment within three years. This finding is consistent with the results of other similar studies. For example, a recent survey conducted in Illinois found that 42 percent of legal aid attorneys plan to leave their position in the next three years.²

This high rate of turnover is extremely costly to legal aid programs, which are incurring the costs of training new attorneys, many of whom leave before the organization can recoup its costs.³ By failing to address the causes of these departures, programs are increasing the costs of delivering high quality legal services and undermining their mission of effectively providing legal services to low-income individuals and communities.



Ethnicity or Race of Respondents



The survey results also indicate that legal aid programs are failing to attract and retain a diverse cadre of passionate and talented staff. Specifically, males and minorities were considerably underrepresented among respondents. Survey respondents were overwhelmingly female (79 percent) and white (72 percent). The reasons for this are not explicit from the survey but need to be explored further.

“My organization has begun to listen to front-line staff following a massive hemorrhage of staff.

Following successful union negotiations, I'm starting to feel like maybe, possibly, I might be able to actually make a decent living doing this important work.”

- Comment From Survey Respondent

Legal aid programs, and the clients they serve, cannot afford to continue to ignore these problems. There are programs that have recognized the importance of attracting and retaining committed and effective staff, and have made some of the changes necessary to bring about lower turnover rates. Discussion of the policies implemented by the Atlanta Legal Aid Society, Community Legal Services of Philadelphia, Legal Services of Northern California and New Hampshire Legal Assistance can be found in the MIE Journal (Vol. 21, No. 2). The survey results point to effective solutions for other programs concerned about recruitment and retention.

Survey Results: Income and Debt

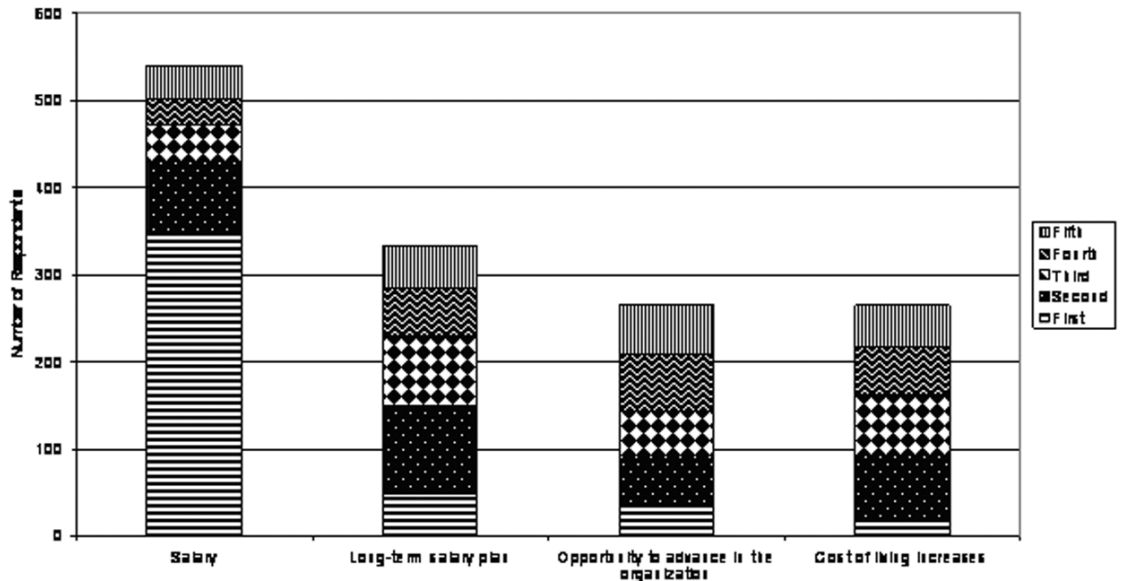
Analysis of the survey results reveal that current salary and related benefit levels, including access to loan repayment assistance programs, have the biggest negative impact on retention.

With 90 percent of respondents indicating they had educational debt when they graduated from law school, and 41 percent of those carrying at least \$90,000 in loans,⁴ most current legal services salaries are simply insufficient to retain attorneys, particularly as they begin planning for their futures. Forty-five percent of respondents expect it to take 25 to 30 years to pay off their educational debt. Fifty-three percent of respondents do not receive assistance from an LRAP.⁵

“Generally speaking I think my organization, and most other legal service organizations, need to recognize that today's young attorneys are likely carrying more debt than ever before. As a result, unless something is done to improve the LRAP and/or general compensation structure at legal service organizations this is not going to be a viable long-term career path for individuals that are the primary bread-winners within their respective households.”

- Comment From Survey Respondent

Reasons Respondent May Leave Employer



Without increasing salaries and benefits in conjunction with loan repayment assistance, legal services will continue to have trouble recruiting and retaining socio-economically diverse staff. In order to create a long-term career in legal services, too many attorneys have relied on the salary of a spouse

or partner or taken a second job, neglected saving for their retirement, been unable to buy a home, or deferred having children.⁶ Although the survey did not ask about the economic status of respondents’ parents, the results suggest that many of the attorneys who are able to stay in legal services rely on additional economic support from their families.

Five hundred and forty respondents (69 percent) listed salary as one of the top five reasons they may leave their organization, with 350 (45 percent) listing it as the number one reason they may leave. In addition, 333 respondents (42 percent) listed long-term salary plans as one of the top five reasons they may leave their organization. While other important insights can be garnered from the survey, few are likely to make a difference if a long-term plan for increasing salaries and decreasing educational debt is not established.

“The number one change would be an improvement in salary and benefits. For those who are married or partnered with someone who has a significant amount of both, public interest work is less of a strain. However, for single people such as myself, public interest advocacy is an overwhelming and never ending financial burden whose rewards over time pale in comparison to its detriments.”

- Comment From Survey Respondent

Beyond Income and Debt: Why People Leave

Financial concerns are not the only factor influencing retention rates. After concerns about salary, lack of opportunity to advance in the organization was the most often cited reason a respondent would

“I stay because there is value to what I do. The work that I do is important. However, I fear that there will be a time when I cannot afford to stay. The top management at my organization has been there for 15 plus years and shows no signs of leaving any time soon. It is difficult to plan long term when there is so little opportunity for advancement.”

- Comment From Survey Respondent

leave legal services. As shown in the graphic above, 266 respondents (34 percent) listed this reason as one of the top five reasons they would leave their employer.

Concerns about quality of management were also significant factors contributing to decisions to leave a legal services program. Over 20 percent of respondents recorded the quality of top management as one of the top five reasons they may leave, 16 percent listed quality of middle-management as one of their top five reasons, and 17 percent included general concerns about supervision as a top five reason.

Lack of opportunities to do varied and challenging work also has a negative impact on newer attorneys' decisions to stay in legal services, with 19 percent of attorneys reporting that lack of varied work was a top five reason they may leave their organization and 16 percent listing lack of challenging work as a top five reason. Many of the respondents also indicated that they would like more involvement in their organization's direction, with 17 percent of respondents indicating that it was one of the top five reasons they would leave their organization.

As paramount as salary and debt are to fixing the recruitment and retention crisis in legal services, it would be a mistake to ignore the other factors contributing to the problem. A portion of newer attorneys are longing for more challenging and varied work and for better supervision from management. Even if legal services programs could significantly raise salaries and erase student debt overnight, core program missions, quality of client services, and staff retention would still be compromised by these other factors. Although the survey does not explore the correlation between the numerous factors contributing to poor retention, one may reasonably assume that some staff might tolerate lower salaries if they found the work and work environment more rewarding. Conversely, discontent with work and with program management makes struggling to live on modest salaries all the more unattractive.

Beyond Income and Debt: Why People Stay

An understanding of why attorneys choose to stay in legal services is also important in tailoring solutions to the recruitment and retention problem.

The most important factor that keeps attorneys in legal services programs is the opportunity to help others. Five hundred and seventy-six respondents (73 percent) listed "opportunity to help others" as one of the top five factors that keep them working at their organization, significantly outranking other considerations.

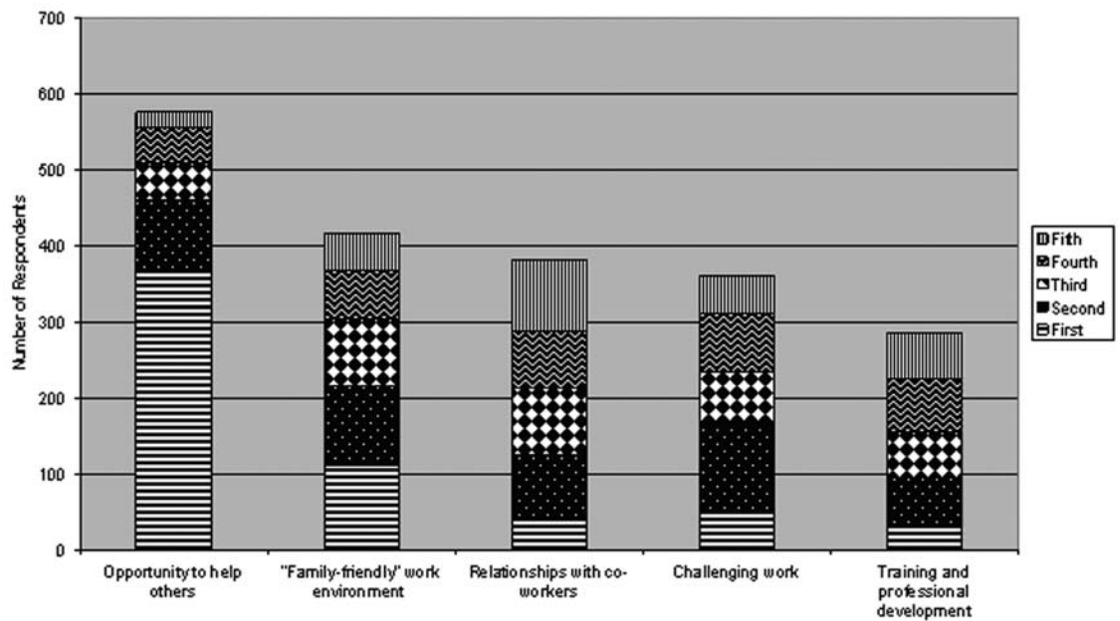
"I believe the inverse pyramid organizational style creates serious morale problems. Staff attorneys should be able to contribute to decisions about how resources should be spent and what kinds of cases should be prioritized, etc. Staff attorneys need to feel valued not just as assembly-line case workers who do what they are told. The best legal aid job I ever had was one in which my supervisor asked me about once a month, 'What do you need from me?' and in which I was regularly asked to second chair in complex/high profile case work for the experience."

- Comment From Survey Respondent

"I feel that public interest firms should do a better job of providing professional development opportunities as well as mentors."

- Comment From Survey Respondent

Reasons Respondent Continues Working for Employer



Other important factors were associated with the workplace environment. Four hundred and fifteen respondents (53 percent) listed “family-friendly work environment”⁷ and 381 (48 percent) listed “relationships with co-workers” as top five factors keeping them at their organizations.

Many also reported that the opportunity

to do challenging work keeps them at their organization, with 361 respondents (46 percent) listing it as one of their top five reasons and another 25 percent listing varied work as a top five reason. Two hundred and eighty-five respondents (36 percent) stressed that they value training and professional development, and 15 percent listed mentoring as one of their top five reasons for remaining with their employer.

In many ways the survey results are harrowing for the legal services community, but the respondents have also provided insight into potential solutions to the current recruitment and retention crisis. Although the need for higher salaries and lower student debt burden is clear, other factors should not be ignored.

Recommendations for Change

1. Increase Salaries and Benefits

Salaries and benefits should be increased to a level that will enable staff to pay off student loans, enjoy a reasonable standard of living and prepare for retirement. When programs decide to support a system of increased compensation, they should ultimately realize some savings from reduced turnover rates. However, in order to do so, they may need to defer the hiring of additional staff and experience a corresponding reduction in the number of clients served.

2. Recognize “Full-Status Professionalism”

In spite of the current working conditions in legal aid offices, highly motivated people, who are willing to make considerable personal sacrifices, are attracted to doing legal aid work. However, too many advocates come to view their positions as temporary and unsustainable. Employers should not be relying on, or taking advantage of, the passion and commitment of their advocates. In order to improve retention rates, new policies should be put in place that recognize “full-status professionalism.” That is to say, conditions that allow:

- A diverse spectrum of legal professionals to be attracted to the work;
- A standard of living that allows for long-term, lifestyle choices commensurate with being a skilled professional; and

- The operation of an efficient and effective legal aid program.

3. Require Results and Demand Accountability

Management must be willing to demand, and staff must be willing to accept, the responsibility and expectations that go along with “full-status professionalism.” Policies should be put in place that require results and accountability from front-line staff and the necessary professional oversight by management. To the extent that high quality staff is retained and accountability is demanded, the decrease in the number of clients served as a result of increased salaries may be minimized.

4. Improve Management Practices

Legal aid programs need to demand better leadership, management skills and accountability. Programs and national organizations must continue to offer training for management at all levels. In addition, management experience and/or human resource skills need to be considered when hiring for and retaining management positions, rather than just longevity with the program or skills as an attorney.

While management issues were less important than salaries to respondents when deciding whether to stay in legal services, concerns about management were substantial and should not be ignored. Ultimately, either unresponsive management must change, or more responsive management needs to replace it.

5. Encourage Impact & Systemic Advocacy

A significant number of survey respondents expressed their disappointment and surprise that their legal aid work is routine and not focused enough on systemic solutions. Policies need to be developed that encourage and allow such advocacy to the degree possible within any applicable rules and regulations.

6. Offer Opportunities for Advancement

Local programs and national networks must do a better job of both creating more opportunities for advancement in legal services and communicating about the existence of these opportunities. As there are a finite number of management level positions that a program needs, and as not every lawyer is well-suited to being a supervisor, programs should be creative with the range of possible opportunities for advancement. This type of leadership role in the program could include serving as an expert and a resource in a particular substantive area, handling major litigation, coordinating a legislative effort, staffing a state-wide task force or committee, or managing a major project. The new responsibilities should be responsive to both the interests of the attorney and the needs of the program.

7. Connect Advocates to the “Big Picture”

Efforts to retain attorneys need to capitalize on attorney’s desire to “help others” by creating environments where attorneys are regularly reminded of and involved in discussions and debates surrounding the importance of legal services work. All attorneys, regardless of position or length of time with program, should be provided with ample and consistent opportunities to discuss the importance of their work, how their work fits into the organization’s larger vision and goals, and the overall direction of the organization.

8. Establish LRAPs, but Don’t View Them as the Sole Solution

Efforts to expand LRAPs need to continue with law schools, legal services organizations, and state and federal governments. However, unless LRAPs provide for meaningful debt reduction, they are

unlikely to substantially shift retention rates. Nearly 50 percent of respondents to the survey indicated they receive some benefits from an LRAP and, still, a high percentage reported they plan to leave their current position in the next three years.

9. Increase Diversity: Make it Happen

Current working conditions are such that men and minorities are not being attracted to legal aid work. The policies suggested above will assist in changing this situation. However, specific policies must be put in place that directly confront the relative lack of diversity in the legal services community. Further studies are needed to identify specifically why males and minorities are not being successfully recruited or retained.

10. Resource Development

In order to minimize reductions in services, the development of resources should be a major component of any legal aid program. If staff cuts are required, resource development staff should be retained.

Conclusion: Next Steps

All stakeholders (including funders, boards of directors, bar associations, law schools, etc.) need to be part of the discussion regarding the problem and the consequences of any proposed solutions.

NLADA will continue to bring together these stakeholders to help legal aid organizations address issues of recruitment and retention. We will provide ongoing training, technical support, and distribution of examples and best practices in the following areas:

- Recruiting and retaining diverse staff
- Developing and communicating opportunities for advancement within and between legal services organizations
- The importance of and components of effective supervision and management
- Developing protocols for hiring management positions which offer guidelines beyond seniority and legal skills
- Providing opportunities for new attorneys to engage in varied and challenging work as well as training and professional development, for example by having new staff co-counsel with experienced staff on impact cases.

Legal services programs cannot hope to recruit and keep diverse and talented staff without an accurate picture of the financial needs of staff. In order to develop effective solutions, programs need to be armed with more specific data regarding how much salaries and LRAPs need to be increased in order to make legal services a financially viable career option. Legal aid programs can begin their efforts to revise their salary structures by researching the compensation rates for comparable government or other local public service lawyers, and investigate what would be a fair and equitable compensation level for their geographic area.

In general, legal aid program staff and boards should develop a comprehensive plan identifying short-term and long-term goals designed to help their organization address their recruitment and retention challenges. The successes of legal services programs and the clients they serve hinge in part on creating environments where committed and talented staff want to and can afford to build careers.

Appendix A

Data from All Respondents: <http://www.nlada.org/DMS/Documents/1192026367.22>

Appendix B

Summary of Comments from Respondents: <http://www.nlada.org/DMS/Documents/1192026604.25>

Endnotes

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- ¹ The survey, open on the Survey Monkey web site from October 16 to November 30, 2006, was widely publicized through e-mail and NLADA publications. Respondents accessed the survey anonymously, so no response could be linked to an individual's e-mail address or other identifying information. There were 786 respondents from 41 states, the District of Columbia and Puerto Rico. Some of the survey results have been reported in a previous issue of NLADA's Cornerstone (Vol. 28, No. 3) and the MIE Journal (Vol. 21, No. 2).
 - ² Chicago Bar Foundation and the Illinois Coalition for Equal Justice, Investing in Justice: A Framework for Effective Recruitment and Retention of Illinois Legal Aid Attorneys (November 2006), p. 6, <http://www.chicagobarfoundation.org/documents/RetentionStudyFINAL.pdf>
 - ³ The authors of the Illinois report calculate the cost of each exiting attorney at a minimum of \$32,549 in lost knowledge, recruiting and re-training, as well as hundreds of fewer clients served. Investing in Justice, pp. 16 -18.
 - ⁴ Between 1986 and 2006, the average law school tuition increased almost fourfold at private institutions (\$8,225 to \$30,520), almost fivefold at public institutions for non-resident students (\$5,160 to \$25,227), and over six fold at public institutions for resident students (\$2,206 to \$14,245). Consequently, the average amount borrowed for law school has spiraled upward to \$54,509 at public institutions and \$83,181 for the 2005 -2006 academic year. American Bar Association, <http://www.abanet.org/legaled/statistics/stats.html>.
 - ⁵ Of those that do, 44 percent receive LRAP assistance from their law school, 36 percent from their employer, 16 percent from a state program, and 10 percent from LSC.
 - ⁶ 78 percent of respondents indicated they do not have children living with them.
 - ⁷ Policies listed as examples of a "family friendly work environment" were flexible schedules, eight-hour days, and good parental leave policies.