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Lawyers' High Debt, Low Pay Damage Foster Kids

Forum Column

By Miriam Aroni Krinsky

"Why is a lawyer like a [fill in the blank]?"

We have all heard far too many dreadful lawyer jokes. Whether rambling groaners or quick one-liners, this popular brand of humor paints a dismal picture of our profession. Rather than extolling the noble traditions of a revered judicial and legal system, the man-on-the-street knee-slappers typically portray attorneys as money-grubbing opportunists who collect big fees and, at the same time, are unsympathetic to the distress of their individual clients or the betterment of society in general.

A far different picture emerges from a recent survey conducted by the Children's Law Center of Los Angeles and released by Home At Last, a national education and outreach partnership supported by the Pew Charitable Trusts and aimed at improving the fate of children involved in the dependency legal process.

This new study titled Foster Children May be Paying a Price for Attorneys' Overwhelming Student Loan Debt," which is available at www.fostercarehomeatlast.org, depicts intensely committed and public service-minded lawyers who, even in the face of staggering student loan indebtedness, struggle to enter and remain in the field of child advocacy.

The sacrifices and passion of young lawyers who opt to devote their time and talent to the needs of children run deep. "I have always wanted to be a children's rights attorney, but after graduating from law school with nearly \$75,000 in debt, I had to seriously consider whether this was something I could feasibly practice," one Los Angeles attorney said. "I crunched the numbers and realized that I couldn't pay rent and my student loan payment on the amount of money I would be making. In order to accept the job, I have had to live with my grandmother in a senior community center."

This one young attorney's quandary and sacrifice, unfortunately, are not unique. With the assistance of the American Bar Association and the National Association of Counsel for Children, the Children's Law Center, as part of the Home At Last project, recently surveyed more than 300 attorneys practicing juvenile dependency law in 43 states. The survey results unequivocally demonstrate that excessive student loan debt has a substantial influence on decisions to apply for, accept and remain in child advocacy positions.

Almost a third (31 percent) of the lawyers surveyed graduated from law school with overwhelming student loan obligations of more than \$75,000; more than two-thirds (68 percent) owe at least \$50,000. These amounts pose huge challenges for any young professional just beginning his or her career. For lawyers who choose to enter traditionally low-paying public and legal services endeavors, it can be a nearly impossible financial burden.

Recent findings by the ABA Government and Public Sector Lawyers Division reveal that many attorneys have trouble meeting the typical \$900 per month student loan payments on entry-level public sector salaries that average a meager \$35,000 a year. One young attorney succinctly summarized the dilemma many law school graduates face: "With debt often in excess of the six-figures mark, it's simply not fathomable to ... take a job with a public interest salary."

Studies show that attorneys working in nonprofit organizations fall at the bottom of the pay scale. They have the lowest median incomes among all practicing attorneys, earning less than a third of what lawyers in the highest paid employment category earn. At the same time, the amount of debt incurred today to obtain a law degree is, on average, double the amount held by graduates just ten years ago.

As a result, many lawyers make substantial sacrifices in their personal lives to pursue a career in which they can make a difference. "My husband and I have made a concerted choice not to have children yet because of the burden of my student loans," one attorney said. Another opined, "I'm in this career because I choose to be, however, my standard of living is much lower than other attorneys with the same or less experience."

Retention of talented and qualified lawyers for children presents an equally challenging problem. Nearly two out of three attorneys surveyed (62 percent) report that the current size of their student loans will be a factor in any decision to seek other employment; 40 percent say it will be a significant factor, despite the fact that most would prefer to continue working as advocates for foster children.

"The problem is keeping [lawyers] in this line of work," one attorney observed. A former foster youth echoed

these concerns: "I would talk to other kids and some of them had six or seven lawyers.... Having the same lawyer makes a big difference."

Other professionals who work in the public sector - social workers, teachers and other attorneys in public service - are also poorly compensated for their work and face similar dilemmas. All these professionals deserve our unwavering support and our commitment to seek enhanced resources to enable them to continue to devote their energy and professional talent to the betterment of children.

But this problem is of particular concern in relation to attorneys in dependency practice. It is these attorneys who provide a critical voice for foster children who might otherwise be rendered silent or nonexistent participants in the legal system. It is these attorneys who act on behalf of our entire community in attending to the needs of our most vulnerable children.

The inability to recruit and retain qualified attorneys to represent abused and neglected children in foster care will necessarily have a lasting impact on the lives of youth for whom we all take responsibility when we remove them from their own parents and bring them into our dependency court process.

If foster youth are not adequately represented in the court proceedings during which critical decisions about their futures are made - where they will live, with whom and for how long - we are failing to meet our legal and our moral responsibility to ensure the safety, permanence, and well-being of these children. Unless children have an attorney who can address their views and interests, these life-altering decisions may be made without adequate input from, or advocacy on behalf of, the youth, who are at the heart of our child welfare system.

Instituting loan forgiveness programs for new and practicing dependency attorneys would represent an important step toward providing foster children with the stable, experienced representation they deserve. The nonpartisan Pew Commission on Children in Foster Care underscored the importance of these concerns: "We recognize that compensation for dependency attorneys is generally low and that many law graduates leave school with substantial educational debt that can deter them from practicing in this field. We therefore recommend that Congress explore a loan forgiveness program and other demonstration programs to attract and retain competent attorneys in the dependency courts."

The Pew Commission also emphasized the vital importance of effective legal representation for all foster youth: "In our legal system, individuals are most likely to have an informed and effective voice when they are represented by competent counsel. Although infants, very young children, and some children with significant disabilities may not appear able to have an 'informed' voice of their own, it is critical, nonetheless, that they, like children of all ages and capabilities, have a skilled and knowledgeable advocate in all legal proceedings."

There is momentum building in Washington to address these concerns. The We Care Act (S. 1679), introduced by Sen.'s Mike DeWine, R-Ohio, and Jay Rockefeller, D-W.Va., and the Fostering our Future Act (H.R. 3758), introduced by Rep. Adam Schiff, D-Calif., include a provision for loan forgiveness for attorneys who practice in family, domestic, and juvenile courts. In addition, both bills call for the establishment of best practices in regard to legal representation of children.

Efforts are also afoot to ensure that no child is left adrift in the court system without legal representation. The National Conference of Commissioners on Uniform State Laws is drafting an act on uniform representation for children in abuse and neglect proceedings that is likely to recommend legal counsel for all children in these proceedings - an approach yet to be embraced by all states in our country.

The American Bar Association and the National Association of Counsel for Children similarly have passed resolutions endorsing loan forgiveness for dependency attorneys and citing the critical need for effective legal representation for foster youth.

Attorney indebtedness takes a toll on individual children and attorneys as well as legal professionals in general. The abused and neglected children represented by dependency lawyers feel the greatest sting of this burden, but we all suffer when impediments are placed in the path of attorneys whose self-sacrifice and dedication embody the highest ideals of our profession and whose work is integral to charting a better future for our children.

Unfortunately there is no punch line to this tale. It's a true story.

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