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Mechanisms and Consequences of Professional Marginality: The Case of Poverty Lawyers Revisited

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A partial replication of Jack Katz's (1982) Poor People's Lawyers in Transition, *this article explores the manifestations and consequences of professional marginality of legal aid lawyers. Based on thirty-five interviews with poverty attorneys and interns in Chicago, the authors show that scarce material resources and unclear expectations continue to give rise to the marginalization of this segment of the legal profession. The authors analyzed ideological, task, status, and material dimensions of attorneys' professional marginality. With no access to reform litigation, central to the legal aid "culture of significance" in the 1970s, present-day poverty lawyers seek new ways to cope with marginality. The authors argue that these lawyers' coping strategies have many negative consequences. Thus, over time, poverty lawyers' deep engagement with clients, ideals of empowerment, and social justice orientation give way to emotional detachment, complacency, and an emphasis on "making do" within the constraints of the system.*

INTRODUCTION

Since its foundation in the late nineteenth century, legal aid has been a marginalized practice within the legal profession. The most evident manifestation of its marginality is the meager material base of the practice—legal aid agencies suffer from insufficient resources and modest employee compensation rates. A less universally acknowledged manifestation of marginality is the low status of legal aid lawyers relative to attorneys in the for-profit sphere. Finally, poverty lawyers experience ideological struggles due to inconsistencies between their aspirations and the realities of practice.

This article uses in-depth interviews with practicing poverty lawyers and legal interns who intend to become poverty lawyers to understand the different types, mechanisms, and consequences of this professional marginality. The study's design partially replicates Jack Katz's *Poor People's Lawyers in Transition*, the 1982 ethnographic analysis of the institutional worlds of legal aid in Chicago. The comparison between Katz's findings and the stories of poverty lawyers working in Chicago thirty years after

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he conducted his analysis allows us to illuminate the connections between the changing sociopolitical environment and the ways legal aid practitioners experience their professional marginality and cope with its pressures.

Katz's study described the evolution of the Chicago legal aid professional world in the 1960s and 1970s, identifying the organizational and sociopolitical contingencies that influenced poverty lawyers' "philosophies of legal assistance" (1982, 6). The monograph began with a discussion of the "routinization" of legal aid. When poverty lawyers operate within an environment that treats the problems of the poor as insignificant, they feel pressured to overlook the broader implications of cases they handle and disregard their connection to each other and their common roots in socioeconomic injustices. The fast turnover of clients, simultaneous engagement in multiple cases, and the lack of attention from judges exacerbate the discontinuities between legal aid cases, while the lack of documented evidence and difficulties communicating with clients create discontinuities within the cases (Katz 1982).

Discontinuities between and within cases routinize poverty lawyers' work and diminish its socioeconomic impact. Katz suggests that, in order to stay in practice, lawyers need to learn to curb the negative effects of this routinization. With that aim, he argues, legal aid attorneys partake in a culture of significance whereby the impact of legal assistance is redefined as meaningful outside of the proximate social environment. According to the author, this culture is founded on various reform strategies and the collective orientation toward broader social change through class-action and impact litigation (Katz 1982, 105–21).

Since Katz wrote, restrictions on class action lawsuits and other forms of reform litigation were imposed on legal aid agencies. This was funded by the Legal Services Corporation (LSC) in the mid-1990s and may affect the professional identities and coping strategies of legal aid lawyers. In this study, we use Chicago poverty lawyers' stories about their professional lives in 2008–2009 to answer the following questions: How different is the professional self-image of legal aid lawyers thirty years after Katz's seminal analysis? How have the techniques of coping with professional marginalization transformed over this period? And, most importantly, how have the institutional world of legal aid and the professional identities of its practitioners been affected by the growing gap between direct legal assistance to low-income populations and reform litigation?

MARGINALIZATION OF LEGAL AID LAWYERS

We use the concept of marginalization in ways that parallel and complement Katz's notion of routinization to refer to the collective experiences of strain and contradiction, associated with working in legal aid.[1] The concept was first used in the 1930s by urban

1. Marginalization of poverty attorneys is linked to the structurally determined discontinuities between and within cases that Katz identified as a basis for routinization (Katz 1982). Yet, this notion is broader and allows us to talk about other types of pressures in addition to those stemming from the suppressed social significance of legal aid. In this article we discuss four different kinds of the professional marginality of poverty lawyers.

sociologists who saw marginality as a root of concentrated poverty and criminality in urban areas. For them, marginality meant "living and sharing intimately in the cultural life and traditions of two distinct people" (Park 1928, 892; Stonequist 1935). This definition combined psychological and sociological elements, whereby the individual-level conflict ("a divided self" [Stonequist 1935, 217]) ensued from the social condition of membership in two distinct cultures. Rooted in this tradition, Wardwell (1952) first discussed chiropractory as a marginal profession because it lacked an institutionalized position within the system of professions and drew on a variety of professional skills. Although this understanding of marginality was widely criticized for confusing marginal social status with marginal personality traits (see Golovensky 1952), scholars continued to invoke it to describe the professional experiences of certain groups.

Writing in 1967, E. Wilbur Bock discussed the professional marginality of female clergy, referring to their incomplete acceptance as professional practitioners and the role conflict they experience when practicing and raising a family at the same time (1967, 531–33). Smyth (1988) applied the concept to the professional experiences of clinical teachers who work at the intersection of two disharmonized professional hierarchies: educational and clinical. More recently, Caroline S. V. Turner (2002) wrote about the marginality of nonwhite women in academia, concentrating on a disconnect between the values and rewards associated with teaching and research that affects their professional self-image. Others have used this concept to describe the work experiences of public relations practitioners (Swartz 1983), student nurses (Andersson 1995), pharmacists (Dolinsky and Lonie 2003), and early childhood educators (Langford 2006).[2]

Our understanding of professional marginality embraces the sociological aspects of the low institutionalization of professional standards, lack of recognition, and conflicting demands associated with the performance of professional duties. Marginality of legal aid lawyers is both material and symbolic. Poverty lawyers work in ill-equipped offices with insufficient administrative staff, earn low salaries, experience a lack of institutional support, and have few possibilities for professional growth (Legal Aid Safety Net 2005; Dinovitzer et al. 2009). The meager material base of legal aid is associated with low prestige of the practice and low social status of the attorneys. According to Heinz and Laumann, the top status hemisphere of the legal profession contains corporate lawyers and the bottom hemisphere contains those working for individuals and individuals' businesses. High-status public interest attorneys work on high-impact litigation, whereas poverty lawyers are ranked lowest in prestige due to their low compensation, allegedly distasteful work with the poor, and the assumption of extralegal duties (Heinz and Laumann 1994, 58–60; Wexler 1970; Cantrell 2004).

This article offers a systematic exploration of how the professional marginality of legal aid lawyers is created and perpetuated over time. After the discussion of

2. Some accounts of professional experiences describe similar dynamics of simultaneous contradictory pressures and malleable standards of professionalism but avoid the term "marginalization." An example is Michel Lipsky's work on street-level bureaucrats (2010), which describes the effects that underfunding, difficult interactions with clients and simultaneous high demand for services and inefficiency of public programs have on the professional self-image of public service employees. Another example is Arnold Arluke's work on animal shelter employees who have to reconcile their identity as pet lovers with the daily reality of euthanasia at the workplace. See also Arluke's work on dog hoarders who employ a variety of strategies to neutralize the negative public ideas about their professional duties (Frommer and Arluke 1999; Vaca-Guzman and Arluke 2005).

marginalization mechanisms, we compare the professional experiences of present-day poverty attorneys with those of legal aid lawyers thirty years ago. Finally, we explore how legal aid lawyers cope with their marginality in the context of current restrictions on reform litigation and identify some consequences of these coping strategies on the standards of their practice.

METHODOLOGY

Replication is a fundamental scientific technique. On the one hand, it is a way of demonstrating the validity of empirical arguments (Lindsay and Ehrenberg 1993). On the other hand, it may illuminate relationships between social processes if certain conditions are altered during the replication. Replication allows researchers to explore the effect of certain changes in the environment on a social process, controlling for a number of potential hidden variables. For instance, the comparison between different temporal frames permits an assessment of the effect of time-specific structural constraints on the mechanisms and outcomes of a specific social process. Thus, we attempted to approximate the interview-based component of Jack Katz's study of Chicago poverty lawyers thirty years after its publication in order to consider how the changes in conditions of practice have affected lawyers' professional self-image and standards of lawyering.

Our case study is based on thirty-five in-depth, semistructured interviews with practicing and future legal aid lawyers in the Chicago metropolitan area. In addition to approximating Katz's study, we sought to also explore different kinds of legal aid lawyers' experiences of marginality within a changed landscape of legal services for the poor.[3] To address these goals, we interviewed a systematically selected sample of attorneys and interns from three major types of legal services, designed specifically to cover different modes of legal aid delivery for the poor in present-day Chicago (see Table 1 for a schematic representation of our methodology).

Several institutional venues exist for legal assistance to the poor. One involves the full- or part-time employment of staff lawyers in legal assistance offices funded primarily through the LSC. The second venue consists of not-for-profit public interest law firms, funded by private foundations, law firms, and individual donors. The third model of delivery is based on the volunteer services of lawyers employed in the for-profit sector. These attorneys may carry out pro bono work alongside staff attorneys in hybrid volunteer/employee legal aid organizations or work in legal clinics staffed with volunteers. This study is based on lawyers who are employed either part- or full-time by a legal aid organization or a public interest law firm.[4]

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3. Because we tried to cover different modes of legal aid delivery, our study deviates from Katz's analysis that focuses only on two organizations: Legal Aid Foundation and LSC. While Katz's goal was an in-depth institutional ethnography, we explore how legal aid attorneys experience their professional marginalization across a broader spectrum of organizational forms. Our study is thus not a replication, but rather a follow-up and an extension to *Poor People's Lawyers* (Katz 1982).

4. We are largely overlooking the experiences of volunteer lawyers in other practice settings, who are simultaneously involved in non–public interest work elsewhere. There is a large body of research on the experiences of lawyers doing pro bono work (Cummings 2004; Sandefur 2007; Granfield 2007).

TABLE 1.
Methodology

Stage I: Fall 2008
Identified ALL organizations providing legal services to the poor (forty organizations)
↓
Stratified these organizations by delivery mode (legal aid agencies/ volunteer-based organizations/ nonprofit public interest law firms providing direct service)
↓
Randomly selected three organizations in each category
↓
Contacted three to seven attorneys in each organization depending on size, selecting the first two to respond for an interview
↓
Eighteen interviews

Stage II: Summer 2009
Identified the five organizations out of six covered in Stage I that employed summer interns
↓
Randomly selected one legal aid agency, one volunteer-based organization, and one public interest law firm
↓
Contacted all interns in these organizations
↓
Interviewed all interns who agreed to participate (seventeen interns)

During the first stage of research, in the fall of 2008, we interviewed eighteen practicing attorneys. After identifying all forty legal aid organizations in the Chicago metropolitan area and stratifying them by delivery mode, we randomly selected two legal aid agencies, two volunteer-based organizations, and two nonprofit public interest law firms that provide legal services. We thereby covered all major organizational types of legal services provision. The legal aid agencies we surveyed included a large organization with multiple locations that handled a wide variety of civil legal cases and a smaller organization working with a more modest range of civil disputes and criminal cases. The volunteer-based legal aid providers also included one large and one medium-sized organization offering representation in most types of cases. Finally, the public interest law firms included in the sample employed only a small number of lawyers (three in one and six in the other) and worked on cases dealing with a specific cause or a specific population.

We contacted three to seven attorneys in each organization (depending on organizational size) by e-mail and requested their participation in the study. The response rate was 80 percent,[5] with the resulting sample containing two attorneys from each organization.[6] This included six lawyers from legal aid agencies, six staff attorneys from volunteer-based organizations, and six lawyers from public interest law firms. Half of the

5. The smallest organization employed three staff attorneys, and the largest employed more than thirty. In cases where the number of attorneys contacted was smaller than the number of employees, we selected potential respondents randomly from the list of all employees.

6. To keep the number of respondents consistent across organizations we limited our interviews to the smallest number of respondents; since only two replied to our e-mail from one of the organizations, in each of the other two organizations we also interviewed only two attorneys (the first two to respond to our e-mail).

interviewed lawyers (nine) worked exclusively with clients, whereas the other half worked in supervisory positions that combined client representation with managerial duties. The ages of interviewees ranged from twenty-six to sixty-four; ten were female, and eight were male.[7] The interviews lasted from one and a half to two hours. The respondents were interviewed about their education and career trajectories, experiences in legal aid, understanding of professionalism, relationships with colleagues and clients, and ideas about their own future and the future of legal services. Particular emphasis was placed on the difficulties experienced in day-to-day work and the coping strategies adopted to overcome them.

After the interviews were complete, we coded the data for times and dimensions of practice that either caused discomfort and anxiety or required lawyers to change their understandings of professionalism. The preliminary analysis suggested that new attorneys thought about their work differently than those who had been in practice longer. To further investigate this difference, we interviewed seventeen current law students who were interning in legal aid in the Chicago metropolitan area in midsummer 2009 (approximately two months after the start of their internships). These interviewees came from the same organizations as the practicing attorneys: one legal aid agency (twelve interns), one volunteer-based organization (two interns), and one not-for-profit private firm (three interns). We selected these three organizations randomly from the list of the five home agencies of practicing attorneys (one of them did not have interns).[8] After identifying all interns in these organizations, we contacted them by e-mail and requested their participation. The response rate was slightly over 60 percent, resulting in a sample that included thirteen women and four men; this ratio parallels the female to male ratio among public interest interns. These respondents were also interviewed for one and a half to two hours about their experiences in legal aid, views on professionalism, career plans, and conscious and unconscious adjustments they have made in light of difficulties encountered while interning.

Although the resulting sample is relatively small in absolute numbers, it was constructed to cover the main types of legal aid and contains a relatively large proportion of practicing and aspiring legal aid lawyers in Chicago. Our method emphasizes depth over numbers; we probed the careers and experiences of our respondents in an open-ended fashion, capturing whether and how these attorneys felt marginalized in practice and in what ways the experience of marginalization differed between practicing lawyers and interns. Respondents addressed these themes consistently and in-depth to the extent that we contended that saturation had been achieved.

THEN AND NOW: THE EVOLUTION OF THE SOCIOPOLITICAL CONTEXT AND COMPOSITION OF THE LEGAL AID

Jack Katz (1982) ended his institutional history of legal aid with notes of apprehension and insecurity regarding its future under the Ronald Reagan administration. As

7. Please refer to the Appendix for more information on the respondents.

8. Out of five organizations, there were two legal aid agencies, two volunteer-based organizations and one private firm. We randomly selected between the two available legal aid and volunteer-based organizations.

he was writing the last paragraphs of *Poor People's Lawyers in Transition*, the future of the funding of the LSC was being debated by the different branches of government and its prospects appeared bleak. Even during his time as California's governor in the 1960s, Reagan was an adamant opponent of federal funding for legal assistance to the poor in civil cases. Several of Governor Reagan's attempted restrictions on California's social programs were undermined precisely through legal aid lawsuits.

The Reagan presidency was indeed a time of significant decline for the LSC. President Reagan first attempted to completely cut federal funding for the LSC, but the US House Judiciary Committee blocked this initiative (Taylor 1981b). Instead, in 1982 the funding was reduced by 25 percent (National Legal Aid and Defender Association 2004). As a result, the LSC decreased its support for legal aid offices, training, litigation, community education, and a host of other initiatives. Moreover, President Reagan replaced most of the LSC's board of directors using recess appointments, including Ronald Zumbrun—the president of the LSC's ideological opponent Pacific Legal Foundation—as the new chairman (Taylor 1981a). At the same time, the 1980s were not entirely bleak for the civil legal aid sector. Positive developments included an increase in non-LSC funding, the establishment of Interest on Lawyers Trust Accounts (IOLTA) state programs offering additional resources (IOLTA.org 2010) and increased involvement by the private sector of the bar in legal aid (National Legal Aid and Defender Association 2004).

With the election of George H. W. Bush, who did not share his predecessor's strong anti–legal aid orientation, the LSC received constant, if not generous, support from the government. The beginning of Bill Clinton's presidency was a time of great hope for the supporters of legal aid. Due to a series of sympathetic nominations to the LSC board and some significant increases in funding, the early 1990s were years of growth and expansion of legal services until the midterm elections in 1994. This marked the beginning of drastic changes in the institutional structure of US legal aid provision. The Republican Congress that was elected that year decreased governmental support for legal aid, extensively cutting funding. In fact, the LSC's budget dropped from $400 million in 1994 to $278 million in 1995. Congress also imposed a number of consequential restrictions on the activities of organizations funded through the LSC (Booth 1996).

According to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), organizations that received federal funding via the LSC could only assist individuals with their legal problems. Participation in class-action lawsuits, lobbying on behalf of clients, and any other advocacy initiative beyond individual representation or that challenged the existing welfare system in court were prohibited for all recipients of LSC money and most non-LSC-funded providers of legal aid (PRWORA 1996). These restrictions had devastating effects on the quantity and quality of legal assistance available to low-income Americans,[9] on the extent to which the poor could engage with the existing system through legal means, and on the

9. "The number of cases closed fell from 1.7 million in 1995 to 1.4 million in 1996; the number of LSC-funded attorneys nationwide fell by nine hundred; and three hundred local legal aid offices were closed" (National Legal Aid and Defender Association 2004).

professional worlds of legal aid attorneys. During the George W. Bush and early Barack Obama administrations, funding has grown steadily and slowly, but activity restrictions have remained unchanged. In what follows, we explore some effects that this policy shift has had on the professional self-image and the resulting coping techniques adopted by legal services lawyers.

Undoubtedly, limitations on the participation in impact litigation were not the only changes that legal aid practice saw over the last thirty years. Other important transformations include the feminization of the profession and the increasingly narrow specialization of lawyers practicing within different settings. While sociolegal scholars have recognized the recent influx of women into the legal profession as one of the most consequential demographic changes of the profession,[10] this change has not reversed the fact that male lawyers continue to dominate the higher-paying and higher-prestige fields of practice (Heinz et al. 2005; Patton 2005). In Illinois, almost 70 percent of poverty attorneys are female, and the gender differences are even more pronounced when lawyers' professional statuses are analyzed: men are concentrated in higher-ranking executive positions such as project supervisors, while more than 85 percent of regular staff attorneys in public interest firms are women (Chicago Bar Foundation and Illinois Coalition for Equal Justice 2006).

Other important changes in the composition of the legal profession include the trend toward a decrease in the age of practicing lawyers. This reached its peak in the 1980s due to a surge in law school enrollment rates but leveled out by 2005 (Galanter 1999, 1085). Heinz et al.'s study of Chicago lawyers in 1995 also documented the growth in income inequality between different legal practice settings and the increased specialization of legal practitioners that led to the blurring of the boundaries of the two hemispheres of the legal profession (serving corporate or individual clients). These investigators had observed this effect since 1975, the time of their first investigation (Heinz et al. 1998; Heinz et al. 2005).

While all of these changes in the legal profession have undeniably affected poverty lawyers' views of professionalism, this article concentrates specifically on the effect of reform litigation restrictions for three reasons. First, the other transformations influenced the legal profession as a whole; inasmuch as marginalization of poverty lawyers is relative to the rest of the profession, changes that occurred across different legal professional subfields are not likely to affect it as drastically. Second, the data we collected are qualitative and do not allow us to make broad generalizations about the effects of demographic changes and increased specialization within profession. Instead, our data provide in-depth insights into the poverty lawyers' interpretations of their practice. Most importantly, given how central the participation in reform litigation was for Katz's respondents, we expected to see some of the most significant changes in the construction of the professional identity of present-day legal aid attorneys in relation to these restrictions.

10. According to Marc Galanter, only about 3 percent of practicing lawyers were women in 1960. The number rose to about 25 percent by 1999 and was expected to reach 50 percent by 2050 (Galanter 1999, 1084).

THE MECHANISMS OF MARGINALIZATION AND COPING STRATEGIES OF LEGAL AID LAWYERS TODAY

The analysis of in-depth interviews with practicing and aspiring legal aid lawyers in 2008 suggested that these practitioners were likely to experience marginality in terms of their ideological orientation, status, material conditions, and daily tasks. The interview responses indicated that experiences of marginality may influence lawyers' decision to leave legal aid or push them to develop coping strategies to alleviate marginality-related discomforts. By finding ways to systematically decrease marginality, poverty lawyers tend to modify the very essence of their professional practice, affecting the nature and quality of their services.

Ideological Marginality

Promoting social and economic justice was an important, if not primary, motivation behind the career choice of all respondents. Fifteen out of eighteen lawyer interviewees said that they came from families that valued helping others, whether for socially progressive (eleven lawyers) or religious reasons (four lawyers). Nine out of eighteen were or had been involved in community activism, politics, social movements, or charities. All but one interviewee agreed that in law school they subscribed to a very idealistic vision of legal aid that involved fighting for a just cause alongside enthusiastic clients and like-minded colleagues and making a long-lasting impact on the lives of the poor. Similar motivations at the time of entry into public interest jobs have been documented among recent law school graduates by other researchers (Erlanger et al. 1996; Linowitz and Martin 1994).

It was clear from the comparison between the interviewed practicing attorneys and summer interns that, with time, this enthusiasm tended to be replaced by resignation and skepticism regarding the possibility of social change through legal means. Fourteen out of seventeen legal aid interns were very enthusiastic about subverting the system of economic injustice through their work. Due to the efforts of the American Bar Association (ABA)[11] and of the Association of American Law Schools, many law schools have instituted a number of clinics and specialized fellowship programs that reinforce these idealistic views. The students are misleadingly exposed to interesting, high-profile, and clear-cut cases, rather than on the less-than-glorious routines of everyday practice with scarce resources and a hostile political climate. Thirteen out of seventeen interns cited their participation in these programs as a positive experience that contributed to their dedication to legal aid. Yet, thirteen out fifteen practicing lawyers (excluding three interviewees who had only been practicing for a year at the time of the interviews) did not express the same enthusiasm, emphasizing the limited significance of their work.

11. See the ABA Standing Committee on Pro Bono and Public Service (2010).

Some scholars argue that law school itself contributes to students' decline in ideological commitment (Stover 1989), while others emphasize experiences in the job market and in the public interest sector (Erlanger and Klegon 1979). Our interviews suggest that lawyers experience disappointment in three ways. First, they regret their inability to engage with individual cases as thoroughly as they would like due to heavy case loads and lack of administrative support in legal aid offices. Second, they are frustrated by the nontransferability of their achievements; even if they won individual cases, their victories had little if any impact on broader economic injustices and never effectively challenged the status quo. Finally, they are disappointed by the lack of camaraderie and social justice culture that they expected would exist in legal aid offices. They found that their colleagues, adversaries, and judges did not treat the cases with the seriousness they had anticipated. Legal aid attorneys thus found it hard to maintain the same level of ideological commitment to fighting for social and economic equality through legal means.

These findings differ significantly from Katz's conclusions about lawyers' motivations. Most of his respondents came from "marginal market positions"—either minority or low-status social groups—and had not been well positioned to succeed in the corporate world. For them, the choice of legal aid was more about feasibility than aspiration. After practicing for a while, however, they began to view their professional selves as social reformers and advocates for the poor (Katz 1982, 52–60). As we will argue later, this difference may be explained in terms of the differential access to reform litigation for lawyers in the late 2000s and for their colleagues thirty years prior. In other words, Katz's lawyers tolerated difficulties at work because of their access to litigation. Present-day legal aid lawyers, limited to individual cases, lack the ability to construct their feelings of professional significance around impact litigation.

For legal aid lawyers today, the realization that they will not be able to effect the change they had envisioned is often connected to turning down large numbers of qualified clients. According to the Chicago Bar Foundation and the Illinois Coalition of Equal Justice retention study, there are only 280 full-time legal aid lawyers in the state of Illinois, "a ratio of one legal aid lawyer for every 4,752 legal problems faced by low-income Illinoisans" (Chicago Bar Foundation and Illinois Coalition for Equal Justice 2006, 3). The demand for legal aid services significantly exceeds the capabilities of public law organizations (Smurl 1979). According to the study, the state's legal aid offices respond on average to less than a third of all incoming requests for assistance (Legal Aid Safety Net 2005, 2). Twenty-eight of our thirty-five interviewees expressed dismay at having to deny many clients who needed assistance but either did not qualify according to the intake requirements or had to be rejected due to case overload. Rejecting clients is particularly taxing for these lawyers because legal aid offices tend to be the client's last resort:

> I speak to almost ten people every day about their legal matters and . . . a lot of the time [. . .] we just don't have what it takes to win some of the complex cases. Like, you know this right away when the other guys throw all their resources and money at defending their client, while I have to handle twenty other cases, without any help, in addition to this particular one. What can I do? I would rather reject the

> client right away, even though it does break my heart, because many of them have nowhere else to go after they leave our office. [L16][12]

Fifteen of eighteen practicing attorneys admitted that one of the most discouraging discoveries about their jobs concerned the limited consequences of their work, even when they could take on a particular case. Limited in resources and time, legal aid lawyers can generally only do a bare minimum for each individual client. As a rule, their impact is restricted to moderately improving clients' situations in the short run, leaving them to struggle with the rest on their own:

> It was pretty fast that I realized that what we do here doesn't really matter. I mean, most of the time, all we do is slightly improve the situation of one person at a time—most of the time we don't even get them what they want in terms of settlement, we just get them some more time or a little money to get by [. . .]. We take in very few cases, we don't get a chance to really dig into any of them, and then we get them something small, and throw them out on the street to deal with a million other problems they have. Not to say we do nothing, but we certainly don't do the grand things I thought we did when I first started. [L7]

This sentiment echoes the structural conditions of the work of lawyers thirty years ago. For instance, Katz concentrated on discontinuities within and between legal aid cases (Katz 1982, 26–33). The above statement points to both of these pressures. First, legal aid is structured in a way that discourages the in-depth investigation of single cases due to the short-term nature of interactions between lawyers and clients, case overload, insufficient resources, high risk of the case being dropped after large initial investments, and so on. Second, lawyers work under a heavy pressure to limit the impact of individual cases a pressure that has increased since the 1970s due to governmental restrictions imposed on legal aid agencies.

In addition to the inability to see all eligible cases through in a thorough, meaningful way, legal aid lawyers' ideological commitment to social justice may be further undermined by the absence of an appropriate institutional niche within the legal profession. On the one hand, their work is aggressively appropriated by professional legal associations like the ABA that emphasize socioeconomic justice as a fundamental value of their professional community. In the words of the ABA Standing Committee on Pro Bono and Public Service, "When society confers the privilege to practice law on an individual, he or she accepts the responsibility to promote justice and to make justice equally accessible to all people" (ABA Standing Committee on Pro Bono and Public Service 2010). Public interest lawyers bolster the idea that legal representation is available for those who need it. They soften and humanize the "hired-gun" public image of lawyers (Sarat and Scheingold 1998, 4–5).

Yet, these claims are mainly rhetorical. Despite the ABA's efforts, most lawyers espouse a diametrically opposed philosophy whereby legal work is conceived as a

12. The codes in brackets represent the anonymized respondents: "L" for lawyers (numbered one through eighteen) and "I" for interns (numbered one through seventeen). Please refer to the Appendix for more information.

value-neutral, technical exercise of skills in the interest of clients. Most law school graduates, even those who enrolled with a determination to learn law "to do good," compete for jobs in private and corporate settings, construing professionalism as an ability to solve complicated legal problems and leaving moral and ethical considerations to others (Erlanger et al. 1996; Rhode 2003). Public interest attorneys, therefore, remain outside of the actual value system of the profession, while the notion of "cause lawyering" almost becomes an oxymoron:

> there is a certain attitude . . . of condescension and confusion, maybe? Almost as if no lawyer should have any moral considerations, or should not let them interfere with his work. Lawyers who work for a cause are a strange breed, people don't quite know how to make sense of us. [L9]

As argued by Sarat and Scheingold, "by rejecting non-accountability, if not partisanship, cause lawyers establish a point from which to criticize the dominant understanding from inside the profession itself. They deneutralize and politicize that understanding" (Sarat and Scheingold 1998, 3). Legal aid attorneys thus occupy a precarious position within the professional community, whereby they simultaneously draw on and reject its guiding principles. Their ideological marginality, then, arises from the need to reconcile two conflicting ideological bases that their practice entails.

Ideological marginality also manifests in the inability of many legal aid practitioners to maintain their ideological commitment over time. The interviewees reported that sustaining empathetic attitudes toward their clients was challenging within the constraints of their practice. Many newcomers discover that their dedication to social justice does not translate into actual compassion for their clients, who at times fail to measure up to their idea of a perfect client. Because most attorneys have middle-class backgrounds and only indirect knowledge of the poor, many find it hard to remain understanding and appreciative of their clients who may not have a middle-class sensibility when it comes to keeping appointments or following up with lawyers' requests. Due to the scarce resources of legal service programs, most attorneys have to personally oversee the collection of documents for their clients. For many, the prolonged contact with real-life poor becomes a source of antagonism. The inability to patiently and respectfully communicate with clients is unacceptable in legal aid work and may become a reason for quitting: "Pretty much all you have going for you is your wish to help out, so when you lose that and begin looking down on your clients, you know you are done with this job" [L4].

Katz's study suggests that this issue is not new; thirty years ago legal aid attorneys also struggled with maintaining commitment. His book described the interpretation difficulties associated with working with people in poverty and argued that legal aid lawyers do not have access to the same type of organized records and institutional resources as lawyers in most for-profit and corporate settings. Legal aid attorneys typically elicit evidence orally, constructing cases with incomplete and inconsistent information. Clients who offer incomplete or inaccurate testimonies present particular difficulties for legal aid attorneys as the ensuing confusion often results in substantial loss of time and resources. It is not surprising that interactions with clients often incite the resentment of attorneys (Katz 1982, 29–33).

At the same time, our interviewees agreed that too much empathy can also be debilitating for lawyers. Several shared stories about their colleagues who got so caught up in caring for their clients that they could no longer do their best as attorneys. From lending their clients money to paying them visits in jail and arranging for debt relief, legal aid lawyers may lose focus on legal matters in an effort to alleviate their clients' conditions. In addition to taking time and attention away from legal work, close involvement with clients is often very taxing emotionally:

> I used to get really involved with my clients. Most of their issues are so charged that I felt every victory and every defeat as a commentary not only on my lawyering skills, but also on how good of a person I was. At some point I just had to choose whether I will allow myself to feel this way and get burnt out after a couple years of work or I will help more people by taking it easy and treating the whole thing as a job and not a test of my human worth. [L18]

In order to remain in practice, legal aid attorneys often have to curb their ideological commitment to service, empathy, and what they consider a meaningful connection with clients. None of the interviewees reported sufficient institutional support for dealing with ideological marginality such as counseling programs providing relief and guidance in maintaining commitment. Fourteen out of seventeen interns lamented this lack of organizational assistance, implying that they would have taken advantage of such assistance had it been available. In the absence of institutionalized support, legal aid lawyers have to find their own ways to deal with ideological marginality.

Task Marginality

The second type of marginality that legal aid attorneys experience relates to the nature of their everyday activities. Despite the common misconception that public interest lawyers have less stressful professional lives than their colleagues in for-profit firms and corporations, the literature on legal aid programs and interviews with Chicago practitioners suggest that their work is difficult inasmuch as it has to be performed virtually without administrative assistance (Chicago Bar Foundation and Illinois Coalition for Equal Justice 2006). According to the second *After the JD* report, legal aid lawyers reported working on 143 distinct legal matters in the course of three months, whereas lawyers in large private practices worked on average only on twenty-five matters (Dinovitzer et al. 2009, 33). While the variation in case complexity might obfuscate real differences in the workloads, it is important to recognize the high number of cases simultaneously handled by legal aid attorneys. Due to the insufficient resources of legal aid offices, lawyers' work also involves a lot of personal interaction with clients, ranging from screening during intake to posttrial work with tangentially related legal issues. Not only are staff attorneys personally responsible for most of the intake, but they also spend several days a week in court representing their clients. The interviewees contended that the abundance of tasks and difficult interactions resulted in high rates of professional burnout:

> I had two friends [. . .] at our organization . . . and they said in the beginning it was so intense that one of them would come home every day and would fall asleep in her food . . . you know, she would just pass out. And the other one said that she cried for the first six months [. . .] because the stress of seeing what families face, and stress of getting your work done in such an emotionally-charged environment, and knowing that you are going to be in court the next day and that the future of these people depends on you directly. [L15]

In other words, while legal aid lawyers are not under pressure to "bill hours" like their colleagues in the for-profit sector, the work is demanding because of the emotional investment and meager institutional support. Many interviewees complained about the lack of office space and heavy administrative duties due to insufficient auxiliary personnel, both of which complicate their everyday routine and distract them from their primary responsibilities:

> We are simultaneously receptionists, administrative assistants, lawyers, and social workers . . . just to give you an example, the other day the printer in the copy room next to my office was broken and nobody would come to fix it, so I had to use the other one, which is almost a half-a-mile walk away. Basically, the whole day all I was doing, it seems, is run between my office and the printer. I'm sure I would be able to do a better job if I just didn't have to worry about these little things! [L11]

One intern respondent argued that the entire model of legal aid needs to be revised because it requires attorneys to waste a lot of time and effort on tasks that, according to him, are irrelevant and do not utilize the legal expertise of attorneys. Specifically, he mentioned the need to track down uncooperative clients and keep up with the paperwork that should be done by the clients themselves. Due to the meager resources of legal service agencies, the attorneys are unable to concentrate exclusively on their professional responsibilities. Given the socioeconomic differences and the lack of shared understandings of appropriate interactional patterns between service-providers and service-recipients, the performance of these extralegal duties tends to also be highly frustrating for the attorneys.

> This internship has been . . . hmm . . . confusing. I guess I had a romantic idea of what it means to do poverty law and now I'm just thinking about the more philosophical questions: like, is it right to give out a free service because I don't think . . . hmm . . . the time is used efficiently. I think a lot of good work is done, I think there are a lot of good intentions, but I don't think that there is much lawyering going on. [. . .] There is a lot secretarial stuff, but not a lot of legal analysis, not a lot of interpreting the law [. . .] I think there's something wrong when the lawyer is trying to contact the client, I think if the client needs help it should be the other way around [. . .] if I can't get ahold of a client—how much does a client really want that service? It seems like we are justifying our own existence. [I4]

Katz points out that his respondents also suggested that many cases they tried had very little to do with the actual law. In fact, there were—and continue to be—certain pressures to keep poor people's problems as much out of the purview of the law as

possible. This pressure toward de-legalizing legal aid is a part of the so-called culture of reasonableness that, according to Katz's and our analyses, has permeated legal services programs since their early days. "Reasonableness" here is defined as complicity with prevailing social norms (such as de-politicization of cases and containment of lawyers' ambitions) that allows attorneys to manage their heavy caseloads. This notion of "reasonableness" is illustrated by the quote from a poster that decorated New York legal aid agencies in 1907 and some Chicago offices in the 1970s: "Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how a nominal winner is often the real loser—in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man" (Katz 1982, 59).

According to the *Investing in Justice* study (Chicago Bar Foundation and Illinois Coalition for Equal Justice 2006), almost a third of all directors of Illinois legal aid offices believed that their attorneys did not feel challenged at their jobs. Katz argued that the routinization of legal aid was partially due to the tendency of modern Western societies to treat anything poverty-related as unimportant. Katz states that the "pressure to treat legal problems without making much of their differences is systematically implied by the social meaning of poverty," while the "lawyers for the poor, regardless of their competence and values, confront an everyday environment that treats their work as routine by suggesting, and at times demanding that it ought to be regarded as insignificant" (Katz 1982, 18–19).

Task marginality of legal aid lawyers is, of course, closely related to ideological marginalization. Because most of their time is spent on administrative and organizational tasks, interviewees often felt disappointed by how routine and anticlimactic their work turned out to be:

> When I first came here I thought [. . .] that doing this work would feel more consequential. Maybe I expected people to take more pride in what they do, to have this collective culture where everyone feels like they are making a difference. I'm not saying people are not doing great and important work—actually, most of the lawyers who work here are very talented, very high-level professionals. But . . . they go about doing busy work, do a lot of little things, and they leave work at five p.m., and there is no feeling of importance [. . .] it's like a treadmill, like office work, not some life-changing thing. [I16]

This quote illustrates the overlap between different types of marginality of poverty attorneys. The everyday reality of legal aid work, associated with task marginality of legal aid lawyers, is at the same time an outcome of their material marginality (i.e., the lack of auxiliary personnel and insufficient resources) and the cause of their ideological marginality that manifests itself in the feelings of insignificance and lack of impact.

Material Marginality

Probably the most notorious type of marginality experienced by legal aid lawyers has to do with their low compensation rates in comparison to lawyers in the for-profit

sector. The following quote offers an illustration of the typical constraints experienced by legal aid attorneys:

> After my divorce, staying here [at the legal aid agency] really is . . . hmm, an indulgence. My oldest son is going to college next year, and I am drowning in debt. Not sure how long I can keep it up. I am looking for something right now. I got a family to feed, you know. [L8]

Over the last twenty-five years, legal aid salaries have not grown at the same rate as compensation for other types of public service, such as bureaucratic positions in the government, teaching in public schools, and even some social work jobs. In combination with rapidly increasing tuition for law schools, the stalling salaries bring about a complicated dilemma for law graduates who want to do legal aid work. Given the average postlaw school debt of $60,000 to $100,000 and an average legal aid salary of $38,500 per year, it can be really challenging for young practitioners to make ends meet (Legal Aid Safety Net 2005, 4; ABA 2003). According to the *After the JD II* report from 2009, legal aid salaries were somewhat higher than they were in the early 2000s ($50,000 to $83,000)[13] but still lower than the income of other lawyers, save for the non–legal aid public interest sector, where annual salaries range from $48,000 to $74,000 (Dinovitzer et al. 2009, 43). While some argue that heavy debt burden is keeping lawyers from entering legal aid (ABA 2003, 14), others show that there is no empirical connection between the amount of debt and the decision to enter direct service jobs; rather, it is the difference in potential salary between a legal aid attorney and an attorney working in the private sector that serves as a deterrent (Chambers 1992; Kornhauser and Revesz 1995; McGill 2006). For instance, the starting salary of a legal aid attorney in Illinois is $36,000, which is 11 percent lower than the national median starting salary for a prosecutor (Legal Aid Safety Net 2005, 4).

Studies document a strong inverse relationship between financial pressure and employee retention rates in public interest law organizations (Chicago Bar Foundation and Illinois Coalition for Equal Justice 2006). The respondents reported that, given the nonhierarchical structure of legal aid, they had few opportunities for professional advancement. Due to funding scarcity, the agencies could neither create additional jobs at higher levels, nor create supplementary monetary incentives to mark outstanding achievement of attorneys. Legal aid lawyers report the lowest level of satisfaction with the "power track" (compensation, opportunity for advancement, and performance evaluation) of their jobs than any other type of lawyer (Dinovitzer et al. 2009, 50–1). When asked about career plans, one intern illustrated this point:

> To be completely honest, I like it here, this internship has definitely taught me a lot . . . but . . . I mean . . . I need to make something of myself, you know? I was the first one in my family to graduate from college. Everyone is waiting for me to

13. The report combines legal aid lawyers and public defenders into one salary bracket. Given that salaries of public defenders are customarily higher, it is safe to assume that legal aid attorneys' income falls on the lower end of this continuum. Also, due to the cohort nature of the *After the JD* study, the second report surveys lawyers who had passed the bar seven years prior, so it is likely to only reflect the salaries of experienced professionals (Dinovitzer et al. 2009).

> become someone, or to make money, at least. I can't stay here, there is no future, no growth . . . maybe . . . [um] one day, when I have achieved something, so that I can give back, but first I need to go somewhere with more open doors. [I4]

Status Marginality

Material, task, and ideological marginality of legal aid lawyers negatively affect their status. The respondents reported frequent experiences of simultaneous status marginalization by their non–legal aid colleagues and clients themselves. Most claimed that private firm and corporate lawyers often treated them as if they were in some way less qualified professionally. This prejudice was experienced in court, during professional association meetings, and even outside of workplace. The image of legal aid lawyers as less skilled is based on the assumption that they could not make it in the corporate world. The fact that their salaries are significantly lower and that they do not have to "bill hours" are taken as indicators that there is less intellectual rigor and lower professional standards in legal aid:

> Of course, usually they don't really say anything, but it's rather clear all the same that they think we are somehow less competent. Sometimes at meetings, for instance, they would act as if you were not there, or say something or other that pretty much shows that they have more or less no respect for you. It's so ironic, because if you look at the actual numbers, [. . .] public interest is a very competitive field. Last year [. . .] I have seen how many really worthy applicants we had to reject. Also, many of the cases, most I would say, that we win for our clients we win over them because we are good. It takes a great attorney to win a case without much to rely on in terms of resources, yet they seem to forget that. [L8]

The second type of status marginalization—that which arises from clients themselves—can be really damaging for the professional efficacy of legal aid lawyers. All respondents had at some point felt disrespect from their clients, who did not believe them to be "real lawyers." Again, this type of marginalization is not new to the legal aid community; Jack Katz repeatedly emphasized it in his analysis (Katz 1982, 28–33, 56–57.). Patrons of legal aid offices, many of whom previously have encountered unfair treatment from public officers are cynical; they do not believe that legal aid attorneys really want to alleviate their hardships. Some clients find it implausible that good lawyers would work with the poor, whereas others subscribe to the widespread stereotype of legal aid lawyers as not competent enough to get a job in the for-profit sector. One interviewee explains:

> When I just came here, many years ago, someone warned me about the ungrateful clients, and it made me mad. I remember thinking: "How can you be a poverty lawyer, thinking like that?" Now I know they were right. [. . .] The clients are going to trust us the least sometimes. Many buy into the corporate mystique more than corporate lawyers themselves. They don't pay us so they think we're bad, not real lawyers, whatever. [L13]

Interestingly, the interns did not report many personal experiences with status marginalization. Although all of the interns we interviewed were familiar with the problem from hearsay, they claimed that fellow law students treated them with respect and admiration. In fact, some were slightly annoyed at being treated like "some sort of martyrs."[I15]. The fact that more status marginalization occurs later in the careers of legal aid lawyers is consistent with the previously discussed gradual disillusionment with the social justice impact of legal aid.

EXPERIENCES OF LEGAL AID LAWYERS: 1970S VERSUS TODAY

Our data suggest that difficulties associated with practicing legal aid have more or less remained the same since the 1970s, the period studied in detail by Katz. Present-day poverty lawyers experience discontinuity between the cases they handle due to heavy caseloads, insufficient resources, social pressure toward routinization, and the confinement of their works' impact to the proximate environment. They also continue to experience discontinuity within cases due to disparaging attitudes, lack of resources, and difficult day-to-day interactions. As a result, we argue, legal aid lawyers experience four different kinds of professional marginalization: material, task, ideological, and status marginalization.[14]

At the same time, the ways to deal with these pressures have evolved significantly in the last thirty years due to changes in the sociopolitical context of legal programs. According to Katz, in the 1970s, legal aid attorneys generated shared cultures of significance in order to offset the pressures toward routinization. These shared systems of meaning provided lawyers with feelings of professional fulfillment and revolved first and foremost around their access to reform litigation. As a group, poverty lawyers constructed their ability to effect change on a larger scale by building on their work with individual clients as a justification for the difficulties they encountered in their daily practices. Katz's subjects, therefore, often generated an atmosphere of pathos around their clients, reacted to any expression of marginalization with ridicule, and exaggerated the impact of their work on the broader society (Katz 1982, 105–21).

What do present-day legal aid attorneys do to maintain positive professional identities and mitigate their marginalization in a context in which impact litigation is no longer accessible? Withdrawal remains the most common coping strategy. Compared to other subfields of the legal profession, legal aid has very low retention rates. Forty-two percent of all Illinois legal aid attorneys practicing in 2006 were not planning on staying in their positions for more than three years (this number was even higher for young single-earner lawyers). A comparison of the two *After the JD* surveys, conducted in 2002 and 2007, shows that legal service was a category that, by 2007, had lost a larger percentage of lawyers who had been working there in 2002 than any other practice

14. The distinction between different kinds of marginality is largely analytical, yet important for the understanding of its social consequences. These subtypes have many of the same root causes and overlapping effects. For instance, material and task marginality both stem from insufficient funding and have similar effects of de-politicizing poverty lawyers' work. They are also mutually constitutive in that material marginality is in many ways a precondition for status marginality of these practitioners, while their task and ideological marginality are closely interlinked as discussed previously.

setting (around 70 percent). Moreover, 44 percent of legal aid attorneys intended to change their practice settings in the very near future. In contrast, only 22 percent of solo practitioners and 25 percent of attorneys in small private firms had any intention of leaving (Dinovitzer et al. 2009, 54–56).

The stories of our respondents indicate that legal aid attorneys who remained in practice had to readjust their initial attitudes and reconcile them with their actual experiences. They revealed several different ways to cope with ideological and task marginality when there was no access to reform litigation. About half (seven out of fifteen) of the attorneys who had been in practice for more than three years made their peace with the routine character of their work by finding other benefits in legal aid practice. The emphasis on lifestyle advantages associated with working in legal aid, such as not having to bill hours, spending time at home with families, and maintaining hobbies, was a consistent theme in the interviewees' accounts. These respondents saw their positive impact on individuals' lives an added benefit of the job, but the primary advantage was accommodating a certain way of life:

> it was kind of sad to realize that my work will not change the world, but after a while I did start to appreciate other things my job had to offer. Seriously, being able to be around people, take the time off for my kids, be my own boss, and make someone's life better at the same time. [L16]

In some ways this coping technique resonates with what Katz called "the ethic of reasonableness" or the adoption of a "self-tranquilizing attitude" whereby the draining attempts to change a hostile environment or engage with clients too closely was construed as unreasonable (Katz 1982, 56–59). Although this ethic does not have the same focus on lifestyle, both techniques advocate for the fulfillment of basic work responsibilities with the least emotional involvement.

More than half (eight out of fifteen) long-term lawyers, however, held onto the idea of making a positive difference in a world riddled with inequalities.[15] Inasmuch as most interviewed lawyers had unrealistic beliefs about a legal aid attorney's impact before they began practicing, they had to readjust their understanding in order to maintain the visions of themselves as "do-gooders." Our data reveal two common ways this is accomplished. The first redefinition frames the importance of legal aid in terms of helping specific individuals rather than bringing about abstract socioeconomic justice. Lawyers who subscribed to this way of thinking (roughly half of all lawyers who still believed in making an important impact through their jobs) admitted to not being able to effect a large-scale change with the tools that their work offered them. Their stories were ones of initial disappointment and eventual realization that their work was just as, if not more, important than effecting large-scale change through litigation. They claimed to no longer strive for that kind of change as they realized the importance of improving the lives of real people with concrete needs instead of fighting for an abstract idea of justice. These lawyers construed their face-to-face work with clients and the brief moments of comfort they provided as sufficient reasons to keep practicing:

15. More male interviewees subscribed to the "redefinition of change" coping strategy; only two out of eight were female (the rest refocused on the lifestyle benefits).

> It used to bother me that I could not do anything to actually change things drastically, but with time I realized that it was a very black-and-white way of seeing things. [. . .] now, every little victory is a victory for me. Even defeat is a sort of victory because I tried. What I realized is that people matter. They are the reason justice is important, not some abstract idea of it. . . . Now just spending some time with a client and giving him a chance to talk about his problems feels worthwhile to me. [L17]

The second redefinition of the importance of legal aid was in terms of the direction of social change. Advocates of this approach still subscribe to their early visions of legal service as having important consequences but no longer believe in the need to challenge the system directly. Rather, they help to create a "one person at a time" kind of change, seeing their role as changing individuals, not the system, and expecting that systemic changes would then follow. Although these attorneys admit that they engage in no actual empowerment of their clients and provide them with no tools to mobilize and confront the system, they construed their impact as creating a "healthy" community that is able to influence structural arrangements from the bottom up.

Another type of ideological marginality that poverty lawyers have to overcome relates to empathy toward clients. As discussed above, despite difficult interactions with clients, attorneys need to maintain high levels of devotion. At the same time, lawyers' empathy must be kept in check to prevent quick emotional burnout or professional incompetence. Thus, attorneys who stay in legal aid for a while report having to balance empathy with professional disengagement: "You can't be neither too involved, nor not involved enough. Either will make you not only miserable, but also a bad lawyer" [L11].

Some interviewees reported reliance on informal networks for venting the strong feelings evoked by their cases, while others made a concerted effort to leave their professional responsibilities and the attached emotional baggage at work and avoided thinking about them outside of the office. Others talked about clients who were unlikely to elicit strong emotional responses: "I used to go all out . . . working with the most difficult, the most helpless . . . and particularly those who I, or anyone else for that matter, could help. . . . But that had to change. I can't come to work every day feeling like someone's life depends on me. I just started avoiding these cases" [L16].

Status marginalization, which is ever stronger in the absence of reform litigation, also affects the commitment of attorneys, although none of the interviewees cited it as sufficient to quit legal services. Instead, coping with prejudice appeared to worsen the other hardships of cause lawyering. The attorneys who stayed in legal aid services long term reported a variety of strategies to alleviate the burden of continuous marginalization, which remained virtually unchanged since Katz's investigation. Some, for instance, embraced marginalization as helpful for developing compassion toward their clients:

> Sometimes I would storm out of the courtroom after being used and abused by a judge and I would get really angry but then I'd think: "At least I got a small taste of what my clients feel like," because my clients often feel like they are treated like crap by societ. . . . And I walked out of that courtroom feeling like I just got treated like crap and I realized that we represent poor people, so we get some of the crap they get. [L12]

Others deal with marginalization through positively redefining their identity in opposition to the rest of the profession. Attorneys often bond with their colleagues by making jokes and comments about corporate lawyers, a technique similar to what Katz described as "incredulous ridicule" (Katz 1982, 105–21). By recounting these stories to each other and by collectively reversing the marginalization experienced individually, these lawyers uphold their group identity as "do-gooders," defining the prejudice against them as a function of the ignorance and greediness of the "hired guns." Here is an observation by a summer intern:

> Oh, the attorneys do it all the time. . . . They would joke around with each other about corporate lawyers . . . You know, how hypocritical and void of principles they are. [. . .] That's what they have to do to feel good about their work, because it is tough, and often unappreciated. [I4]

In addition to organizational folklore, legal aid lawyers also use individual strategies for dealing with clients who hold disparaging attitudes about them. Some engage in additional screening, filtering out clients who they think are unlikely to appreciate the service or question the skills of their attorneys. Others confront clients who show any propensity toward marginalization:

> Well, I have a zero-tolerance policy toward that. . . . Either you respect me and trust me with your business or you are free to go. [. . .] I once was working with this older man who was being evicted [. . .] and . . . also . . . like, from a legal standpoint, there was hardly anything at all that could be done. We still did pretty well by winning a lot of time and some money for him, but he . . . kind of . . . just went insane. Got angry, started screaming that he will go to a real lawyer, that we are incompetent . . . So I just told him calmly to leave and go find himself a real lawyer. Well, he was back in no time. [L3]

In summary, in the absence of access to reform litigation that used to lie at the heart of the "culture of significance," coping strategies that lawyers now use to offset marginalization include embracing martyrdom, emphasizing lifestyle benefits over the social justice orientation, redefining social change in terms of helping individuals, artificially widening the chasm with the rest of the profession, disciplining and abandoning difficult clients, and cherry-picking "easy" cases or clients.

CONSEQUENCES OF THE PROFESSIONAL MARGNALITY OF POVERTY LAWYERS TODAY

Our analysis suggests that without the recourse to impact litigation, poverty attorneys tend to diminish the pressures of marginality by reconsidering the relative importance of achievement and empathy in their work. Thus, while younger professionals in our sample were likely to pride themselves on being empathetic (out of seventeen interns and three attorneys who had been practicing for a year, seventeen respondents expressed a variation of this opinion), more experienced lawyers tended to prioritize the

ability to detach over being empathetic (eleven out of fifteen long-term lawyers expressed a similar conviction). Below is a statement by a summer intern:

> You absolutely have to be patient and you have to be flexible . . . it's not the same as doing transactions, right? [. . .] There's nothing that's really clear-cut that you can easily put in a box. I mean you have to like people, you just have to be interested in their stories because if not you can't really do your job. [I5]

The sentiment expressed by this intern differs drastically from the opinion of an experienced attorney below:

> During my time as a supervisor here I've seen many cases of burn-out. [. . .] You can't let things get to you or you won't last. Most of our clients are in a serious mess. . . . Usually they have addiction problems, no money, horrible relationships, psychological disorders, and what not . . . I would actually say that the attorneys who do well in this field are the ones who know how to keep their distance and . . . not let . . . it . . . control their emotions. I mean empathy is one thing, but being real is different. [L8]

Inasmuch as practicing lawyers discover that their impact is often less significant than they had originally expected, experienced practitioners begin to prioritize detachment and treat their work as the "nine-to-five job that it is" [L3]:

> With time you become wiser about these things, and you begin to realize that the best way to do this job is . . . hmm . . . to do it how you see fit [. . .] Clients will inevitably be pulling in all sorts of directions and you just can't yield. [. . .] so I find it much more efficient and, at the end of the day, more beneficial to everyone, if I concentrate on what I'm doing and, most importantly, what I know can be done, and try my best at the specific tasks at hand, rather than strive for the impossible because my client . . . hmm . . . believes he deserves it. [L18]

The quote above shows that in the absence of impact litigation opportunities, the shift from empathy to detachment is often accompanied by a change in the emphasis from empowering clients by equipping them with tools to fight injustices to providing limited services that mend some wrongs and temporarily improve their situations but leave them just as unprepared to face the hostile environment as when they first walked into legal aid offices. One intern was struck by the lack of empowerment taking place in legal aid offices:

> There seems to be little effort to empower the client. . . . You know, you explain to the client what their case is but you don't fully explain what the situation is. . . . When I was in school or in the clinic I was all about explaining thoroughly what their cases were so that the clients could make informed decisions . . . And here an attorney just really takes on the role of 'I know what's best for you,' which is understandable—[. . .] but again I don't really agree with that. . . . I think it's our job to help people prepare to make the decisions rather than assume they're incapable. [I1]

To sum up, the interviews showed that present-day legal aid lawyers often construe their work not as satisfying their clients' original grievances and setting precedent for the fairer treatment of the poor but instead as redefining their clients' needs in terms of what can be done within the current constraints on legal aid and within the existing system of inequality. No longer able to "transcend the proximate social environment" by "using class actions," "bringing law reform cases," "representing militants whose actions are symbolic to supporters and opponents," and "coordinating campaigns to put notorious merchants out of business" (Katz 1982, 107), legal aid lawyers often have to distance themselves from the cause and look for new reasons to remain in the field. In this context, empathy and deep engagement, empowerment of clients, and the socioeconomic justice orientation are often sacrificed for the sake of continual engagement.

CONCLUSION

Our research partially replicated the interview-based component of Jack Katz's 1982 study of Chicago poverty lawyers in order to consider how changes in the sociopolitical context of legal aid affected the professional lives of the attorneys. Our findings indicate that scarce material resources and unclear expectations associated with legal aid continue to give rise to different types of marginality thirty years after Jack Katz first described them in *Poor People's Lawyers in Transition* (1982). In an effort to complement Katz's account of the routinization of legal aid, we discussed four dimensions of the professional marginality of poor people's lawyers: ideological, task, status, and material.

We suggest that because reform litigation is no longer accessible, present-day practitioners have to seek different ways to cope with marginalization. In this context their deep engagement with clients, ideals of empowerment, and social justice orientation are gradually replaced by emphasis on limited individual assistance, emotional detachment from clients, lifestyle benefits, and "satisficing" within the constraints of the system rather than changing the status quo. These coping techniques have a profound effect on the quality of legal assistance for the poor. Low-income citizens suffer from their attorneys' pessimism regarding the possibility of social change, their efforts to maintain psychological distance, and their reluctance to engage deeply with individual cases. Ironically, these tendencies reinforce the social definition of poor people's problems as neither serious nor worthy of professional consideration—the belief that legal aid is allegedly supposed to combat.

The professional marginality of legal aid lawyers is more than cognitive dissonance experienced by individual practitioners or a sign that these lawyers are not committed to their causes. The lack of institutional support and the ideological ambiguity, associated with marginality, translate into a systematic disadvantage for different social groups through symbolic exclusion and material deprivation. In the context of the restricted access to impact litigation, the professional marginality of legal aid attorneys leads to the subversion of their socially progressive orientation and puts limitations on the services provided to their clients.

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APPENDIX: LIST OF RESPONDENTS

Practicing Attorneys

L1: Female/ 61 years old/ married/ 28 years of practice/ supervisor and attorney
L2: Female/ 55 years old/ married/ 29 years of practice/ supervisor and attorney
L3: Male/ 44 years old/ single/ 6 years of practice/ supervisor and attorney
L4: Female/ 28 years old/ single/ 1 year of practice/ staff attorney
L5: Female/ 52 years old/ married/ 29 years of practice/ staff attorney
L6: Male/ 49 years old/ married/ 20 years of practice/ staff attorney
L7: Male/ 34 years old/ single/ 6 years of practice/ supervisor and attorney
L8: Female/ 45 years old/ divorced/ 20 years of practice/supervisor and attorney
L9: Female/ 48 years old/ married/ 22 years of practice/ staff attorney
L10: Female/ 45 years old/ married/ 20 years of practice/ supervisor and attorney
L11: Male/ 46 years old/ married/ 16 years of practice/ supervisor and attorney
L12: Male/ 55 years old/ married/ 29 years of practice/ staff attorney
L13: Male/ 64 years old/ married/ 36 years of practice/ supervisor and attorney
L14: Male/ 26 years old/ single/ 1 year of practice/ staff attorney
L15: Female/ 30 years old/ single/ 1 year of practice/staff attorney
L16: Female/ 37 years old/ married/ 10 years of practice/ staff attorney
L17: Male/ 56 years old/ married/ 25 years of practice/ supervisor and staff attorney
L18: Female/ 47 years old / divorced/ 15 years of practice/ staff attorney

Summer Interns

I1: Female/ 24 years old/ 2nd-year law student
I2: Female/ 25 years old/ 2nd-year law student
I3: Female/ 29 years old/ 3rd-year law and sports administration student
I4: Male/ 30 years old/ 2nd-year law student
I5: Female/ 26 years old/ 2nd-year law student
I6: Male/ 30 years old/ 1st-year law student
I7: Female/ 27 years old/ 1st-year law student
I8: Female/ 28 years old/ 1st-year law student
I9: Female/ 26 years old/ 2nd-year law student
I10: Female/ 28 years old/ 2nd-year law student
I11: Male/ 25 years old/ 1st-year law student
I12: Female/ 27 years old/ 2nd-year law student
I13: Female/ 24 years old/ 2nd-year law student
I14: Female/ 23 years old/1st-year law student
I15: Male/ 29 years old/ 2nd-year law student
I16: Female/ 28 years old/ 2nd-year law student
I17: Female/ 25 years old/ 2nd-year law student

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