

# Part V and the New Public Interest Extension Provision: Implications for Students and Employers

by Michelle Stevens and Norma Cirincione

No NALP issue has such impact on its members or elicits such a visceral response among its constituency as the guidelines for the timing of offers and decisions. An area of concern voiced by many in the NALP community during the months of outreach by the Part V Task Force was the potential effect the new guidelines would have on students applying for public interest and government positions. In response to this concern and in recognition of the differences between the recruiting timelines of the public and private sectors, the Task Force included the following statement in the General Standards that were provisionally approved by NALP's Board and are now in effect for the 2008-2009 recruiting season:

**“Students may request that an employer extend the deadline to accept the employer’s offer until as late as April 1 if the student is actively pursuing positions with public interest or government organizations. Students may hold open only one offer in such circumstances. Employers are encouraged to grant such requests.”**

In approaching the discussion of this topic from the law firm’s perspective, the Task Force conducted an informal poll of many of our colleagues. We surveyed smaller regional firms, medium and large firms, and national firms with various size offices around the country. To a firm, the response was in support of adhering to the April 1 timeline for both summer “splits” and permanent positions.

The number of applicants in this category has traditionally been from one to three per office. None of the firms with which we spoke anticipated that number would be negatively affected during the

upcoming recruiting season. In fact, each firm confirmed what we had expected. They have been historically holding open offers for those pursuing public sector positions until spring, albeit on an ad hoc basis. No one felt the new guideline for public interest and government positions would add to their administrative responsibilities or that more students would request extensions.

Now that the process has been formalized, we will all play on the same field, by the same rules. While the provision designates April 1 as the deadline, it should by no means be viewed as the absolute default date. Requests for extensions should be considered on an individual basis and tailored to the timeline of the specific student. The extension discussion should be an open, ongoing, fluid dialogue between the law firm and the student. It should also be noted that although firms recognize their summer associates and associates may choose to work in the public sector, they are proud of their firms’ commitments to public service. And, it isn’t uncommon to welcome our colleagues back to our firms several years down the road. These transitions are part and parcel of the circle of law firm life.

Since the Part V Task Force found no law firm employers that weren’t willing to grant an extension, you may be asking yourself why the Public Service Section saw this provision as an important addition to Part V. Based on anecdotal reports from law school career advisors around the country, we have heard the same reports from students as from law firm recruiting managers. Requests such as those envisioned in the new guidelines have been made even without such a provision in place.

However, according to one 3L student who is joining the Department of Justice this fall and who also had an offer from the firm with which she summered, several of her classmates who had offers to join the large firms where they had been summer associates and had also applied for jobs with federal agencies or public interest employers either didn't think about their ability to ask their firms for an extension or didn't feel comfortable doing so. Having a provision in the guidelines makes it clearer to all parties involved that this is an option, and it clarifies the expectations for everyone concerned. Amongst current law students, it is very common to find many who have a strong interest in doing work that is not only challenging but that allows them to "give back." But not all law students are savvy enough to know that they can ask for an extension of time to accept an employment offer, and those who are might otherwise feel they are risking a "sure thing" if they were to request an extension to pursue an interest they may have in a public sector position.

Indeed, it has been suggested that the guidelines could be made more helpful for students and public sector employers by **requiring** that early recruiting employers approve a request for an extension as long as students are limited to one such

request. The new guidelines stop short of that by "encouraging" member firms to grant these requests, and Public Service Section members are hopeful that adding this provision will help level the playing field between private and public sector legal employers.

Encouraging future lawyers to pursue the careers about which they are most passionate is something that is beneficial for all NALP member organizations. Law firms will have more committed, fulfilled associates, and law schools will have more dedicated alumni. And aren't those the goals of our respective member organizations?

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