

THE MARSHALL–BRENNAN EFFECT: THE BENEFITS OF TEACHING CONSTITUTIONAL LITERACY FOR LAW STUDENTS

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ABSTRACT

Although many new law students start their studies intending to work in public interest law upon graduation, few ultimately embark on such careers. This phenomenon has been labeled “public interest drift.” Given concerns from the legal profession about this drift, researchers have sought to identify factors that lead to drift and may help to quell it. One promising finding is that drift is minimized in law school programs that provide “subcultural support” for students seeking to practice public interest law. The current study seeks to further explore this finding and examine whether participation in a non-traditional, public service-oriented law school program promotes practicing public interest law after graduation. To examine this issue, we surveyed alumni students (Alumni Fellows) who participated in the American University Washington College of Law’s Marshall–Brennan Constitutional Literacy Project. Our study revealed two important findings that should deepen and enrich the current public interest drift discussion. First, we observed a “reverse drift” phenomenon among the Alumni Fellows. Although the traditional public interest drift literature posits that law students drift from public interest career plans into private practice, over half of the Alumni Fellows who planned to work in private practice are currently working in government civil service or non-government public interest jobs. Second, we observed that many of the Alumni Fellows who “drifted” from initial public interest career plans drifted into government jobs rather than into private practice. Our research suggests that the traditional questions and definitions used when researching drift deserve reexamination.

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I. INTRODUCTION

Over the last several decades, “various studies [have shown that] although a great deal of . . . graduates enter[] law schools with aspirations of engaging in public interest work following graduation, few actually do so.”¹ Employment statistics bear out that most new law school graduates are not embarking on public interest career paths. Indeed, the National Association of Law Placement (NALP) reports that consistent with data for previous law school classes, only 7.5% of employed graduates from the class of 2011 took public interest career jobs after graduation.²

This “public interest drift” phenomenon—law students’ declining interest in pursuing a public interest career between entry into law school and graduation from law school³—has forced the legal community, and particularly law schools, to examine whether legal education plays a part in exacerbating public interest drift and, importantly, whether it could play a stronger role in quelling drift.⁴ Several related theories in academic literature have examined the effects of the traditional law school curriculum on law students’ attitudes and public interest aspirations.⁵ Such theories posit that (1) the traditional law school curriculum and teaching

1. Tan N. Nguyen, *An Affair to Forget: Law School’s Deleterious Effect on Students’ Public Interest Aspirations*, 7 CONN. PUB. INT. L.J. 251, 251 (2008) (summarizing public interest drift literature); see also ROBERT GRANFIELD, *MAKING ELITE LAWYERS: VISIONS OF LAW AND HARVARD AND BEYOND* 49 (1992); Howard S. Erlanger et al., *Law Student Idealism and Job Choice: Some New Data on an Old Question*, 30 LAW & SOC’Y REV. 851, 851 (1996); Craig Kubey, *Three Years of Adjustment: Where Your Ideals Go*, 6 JURIS DR. 34, 34 (1976).

2. NAT’L ASS’N OF LAW PLACEMENT, *CLASS OF 2011 NATIONAL SUMMARY REPORT 1* (2012) (collecting employment data nine months after graduation). NALP includes public defenders in the “public interest” category. NAT’L ASS’N OF LAW PLACEMENT, *CLASS OF 2011 LAW SCHOOL GRADS FACE WORST JOB MARKET YET—LESS THAN HALF FIND JOBS IN PRIVATE PRACTICE 3* (2012).

3. Erlanger et al., *supra* note 1 (“[W]hile a substantial proportion of incoming law students are interested in careers in ‘public interest law,’ that interest wanes significantly during law school.”).

4. Indeed, the legal community has called on law schools to provide public interest law training. See, e.g., ASS’N OF AM. LAW SCH., *PURSUING EQUAL JUSTICE: LAW SCHOOLS AND THE PROVISION OF LEGAL SERVICES* 72–76 (2002) (describing several example programs of clinics, fieldwork, and coursework housed within law schools that introduce and promote public interest law and equal justice to law students).

5. For a more complete review of the public interest drift literature, see generally Lynn A. Addington & Jessica L. Waters, *Public Interest 101: Using the Law School Curriculum to Quell Public Interest Drift and Expand Students’ Public Interest Commitment*, 21 AM. U. J. GENDER SOC. POL’Y & L. 79 *passim* (2012); Jenee Desmond-Harris, “Public Interest Drift” Revisited: *Tracing the Sources of Social Change Commitment Among Black Harvard Law Students*, 4 HASTINGS RACE & POVERTY L.J. 335 *passim* (2007); Nguyen, *supra* note 1, *passim*.

methodologies can negatively affect law students' confidence levels and can contribute to significant distress, anxiety, and depression among law students;⁶ (2) the traditional law school curriculum can cause students to disengage “from the ideals that originally motivated them to pursue public interest work;”⁷ and (3) this disengagement from ideals can lead to public interest drift.⁸

Importantly, several authors have found that “subcultural support”—“students' involvement in law school subcultures supportive of public interest employment”⁹—may serve to counter drift by providing support for, or even strengthening, law students' public service ideals.¹⁰ Some authors have noted that law students can find this support by working with public interest organizations during law school.¹¹ Others have found that support can come from associating with other law students who share public interest law aspirations.¹² As one law student noted, “Law school is an incredibly isolating experience, and nothing makes it more isolating than thinking you're the only one who came to law school to work for the public. Find other students like yourself. Know that you're not alone.”¹³

With an eye toward the effects of the traditional law school curriculum on law students' public interest aspirations and the need for subcultural support to maintain these aspirations, we sought to examine whether participation in non-traditional, public service-oriented law school programs can affect law students' attitudes, ideals, and future career plans. Specifically, we surveyed law students who participated in American University Washington College of Law's (WCL) Marshall–Brennan Constitutional Literacy Project (Marshall–Brennan). The Marshall–Brennan project was founded in 1999 at WCL and, in recent years, has

6. Nisha C. Gottfredson et al., *Identifying Predictors of Law Student Life Satisfaction*, 58 J. LEGAL EDUC. 520, 520 (2008) (“Law students are, on average, far more stressed, anxious, and depressed than the general population.”).

7. Desmond-Harris, *supra* note 5, at 347 (“[L]egal pedagogy promotes a set of legal concepts and vocabulary that separates students from the social concepts that fueled their public interest or altruistic commitments.”).

8. *Id.* at 348. *But see* Todd A. Berger, *Jimmy Carter's “Malaise” Speech, Social Desirability Bias, and the Yuppie Nuremberg Defense: The Real Reason Why Law Students Say They Want to Practice Public Interest Law, Yet So Few Actually Do*, 22 KAN. J.L. & PUB. POL'Y 139 *passim* (2012) (arguing that law school culture does not cause public interest drift).

9. Desmond-Harris, *supra* note 5, at 353.

10. Erlanger et al., *supra* note 1, at 862; *see also* GRANFIELD, *supra* note 1, at 189, 197.

11. Erlanger et al., *supra* note 1, at 861 (finding a relationship between participation in law school programs with a social action component—such as the Center for Public Representation, the Community Law Office, or the Legal Assistance to Inmates Program—and commitment to non-traditional employment in study of University of Wisconsin Law School class of 1976).

12. ROBERT V. STOVER, *MAKING IT AND BREAKING IT: THE FATE OF PUBLIC INTEREST COMMITMENT DURING LAW SCHOOL* 109 (Howard S. Erlanger ed., 1989) (“[Subcultural communities] provided altruistically oriented students with the assurance that they were not alone in their beliefs but belonged to a broader community of like-minded persons.”).

13. Sarah Pierce, *Plight of the Public Interest Law Student*, JOURNEYS TOWARD JUST. (Sept. 15, 2010), <http://akhilak.com/blog/2010/09/15/plight-of-the-public-interest-law-student-guest-post-by-sarah-pierce/>.

expanded to law schools around the country.¹⁴ The project seeks to teach high school students about their constitutional rights and responsibilities, democratic values, and the importance of being active citizens.¹⁵ The teachers for these classes are known as Marshall–Brennan Fellows (or Fellows) and are second- and third-year law students who are assigned to teach a class for a full school year at public junior and senior high schools (secondary schools) throughout the District of Columbia and Maryland.¹⁶ The classes center around a constitutional law curriculum that utilizes U.S. Supreme Court cases.¹⁷

Beginning in 2010, we surveyed two groups of Marshall–Brennan Fellows at WCL. One cohort was the 2010–2011 Fellows, who were the law students serving as Fellows during the 2010–2011 academic year. The second cohort was the Alumni Fellows, who were the WCL students and graduates who had served as Fellows between 1999 and 2010. Part I of this Article briefly summarizes the methodology we previously used to analyze and report the initial results regarding the 2010–2011 Fellows.¹⁸ We highlight selected findings to provide context for our discussion of the Alumni Fellow findings that follow. Part II explains our methodology for surveying the Alumni Fellows and reports our initial results for that cohort. Finally, Part III briefly highlights some key findings and discusses whether the definition of “public interest drift” deserves reexamination.

II. 2010–2011 FELLOWS

We surveyed the 2010–2011 Fellows at two points: before they started their teaching assignments in August 2010 (Time 1) and again at the close of their teaching assignments in May 2011 (Time 2). During both data collection periods, we asked the Fellows similar questions in several areas to ascertain any changes during their fellowship year. One set of questions concerned information regarding the Fellows’ plans for their short- and long-term career paths. Another set of questions concerned the Fellows’ current views and attitudes regarding law school. A third set of questions addressed the Fellows’ expectations and experiences about their school placement in terms of the administration, non-Fellow teachers, students, and school environment. We obtained a 95% response rate, with thirty-nine out of the eligible forty-one Fellows participating in both waves of the survey.¹⁹

14. *The Marshall–Brennan Constitutional Literacy Project*, AM. U. WASH. C.L., <http://www.wcl.american.edu/marshallbrennan/> (last visited Apr. 19, 2013).

15. *See id.*

16. *See* Marshall–Brennan Constitutional Literacy Project, *Fellows*, AM. U. WASH. C.L., <http://www.wcl.american.edu/marshallbrennan/fellows.cfm> (last visited Apr. 19, 2013).

17. *See* Marshall–Brennan Constitutional Literacy Project, “*We the Students*,” AM. U. WASH. C.L., www.wcl.american.edu/marshallbrennan/curriculum.cfm (last visited Apr. 30, 2012).

18. Addington & Waters, *supra* note 5, at 93.

19. *Id.* at 90–91.

Although we will not repeat all of the previously reported findings, a few key points are worth noting. First, participating in Marshall–Brennan had measurable benefits for the law students’ self-confidence: the Fellows reported increased confidence in their academic abilities and their oral presentation skills over the course of the fellowship year.²⁰ Second, the Fellows became more questioning about their decisions to study law over the course of the fellowship year: 26% of Fellows reported questioning their decision to study law at Time 1 and 44% questioned this decision at Time 2.²¹ The third area of interest was the Fellows’ career plans and specifically their public interest career plans. Our data showed that contrary to previous studies documenting drift, the students participating in Marshall–Brennan were actually *more* likely to intend to work in public interest or in public service²²—both as short-term and long-term career goals—at Time 2 than they were at Time 1.²³ Not only did the Fellows maintain their public interest and public service aspirations, but they seemingly *strengthened* their commitments to pursuing public interest and public service work.

III. ALUMNI FELLOWS

We surveyed the Alumni Fellows during the fall of 2010. These Fellows taught in the WCL Marshall–Brennan project between 1999 and 2010. Of the approximately 500 Alumni Fellows eligible to be included in our study, 112 responded to our web-based survey.²⁴ Almost half

20. *Id.* at 94–95.

With regard to confidence in academic abilities, less than half (49%) of the Fellows at time 1 agreed with the statement, “Since starting law school, I feel more confident in my academic abilities.” At time 2, 82% agreed with this same statement, and 38% of the Fellows reported being more confident at time 2. For confidence in oral participation in class, 38% of the Fellows reported feeling more confident at time 2.

Id. (footnotes omitted).

21. *Id.* at 95. Fellows were asked if they agreed with the statement “Since starting law school, I have seriously questioned my decision to study law.” *Id.*

22. We defined “public service jobs” to include military and other government jobs, judicial clerkships, and public interest positions. This distinction largely tracks the NALP definition of “public service jobs.” See NAT’L ASS’N FOR LAW PLACEMENT, EMPLOYMENT FOR THE CLASS OF 2010—SELECTED FINDINGS 3 (2011).

23. Addington & Waters, *supra* note 5, at 96. Regarding short-term plans, 13% of the Fellows at time 1 intended to work in the public interest sector (including both public interest organizations and criminal defense work), but 31% had these plans at time 2. Twenty percent reported changing from non-public interest career plans to public interest ones. [Forty-six percent] of Fellows at time 1 intended to work in the public service sector immediately after graduation. At time 2, that number had increased to 68% percent.

Id. Regarding long-term plans,

at time 1, 18% of the Fellows planned to work in the public interest sector in five to ten years. By time 2, 26% reported these long-term plans. As with their short-term plans, slightly more Fellows had long-term plans to work in the public service sector at time 2 than at time 1 (51% and 59% respectively).

Id.

24. The alumni were surveyed using a web-based survey platform. Prior to implementing the survey, the alumni were contacted by WCL Marshall–Brennan staff to introduce the survey and the goals of the project. To improve response rates, we sent reminder e-mails. We obtained a response

(47%) of the respondents were recent Fellows who taught between 2007 and 2009.²⁵ The Alumni Fellows survey included questions similar to those asked of the 2010–2011 Fellows. Of relevance to our current study, the Alumni Fellows reported their reasons for attending law school and their immediate and long-term career plans during law school. In response to survey items, the Alumni Fellows also reported information about their current careers and their involvement in pro bono legal projects and other volunteer work since graduation. In addition, we gathered demographic information about the Fellows as well as information about their educational debt.

A. Demographic Data

Over two-thirds of our respondents were female (70%).²⁶ Slightly over half were white (53%), and the rest self-identified as black (11%), Hispanic (9%), and other races (20%).²⁷ Nearly 75% of the Fellows had graduating grade point averages of 3.3 or higher.²⁸ The Alumni Fellows had significant amounts of educational debt—undergraduate and graduate education debt—immediately upon graduating from law school; two-thirds of respondents had \$100,000 or more in educational debt, with approximately 13% having \$200,000 or more in educational debt.²⁹ The alumni respondents overwhelmingly characterized their political leanings as “liberal” (72%), with no respondents identifying as “conservative.”³⁰ Since graduating from law school, over one-third of the respondents have been involved in some form of community service, including both law-related (38%)³¹ and non-law-related service (37%).³²

B. Law School Motivations

We asked the Alumni Fellows questions about their motivations and reasons for attending law school and for attending WCL in particular. Given their participation in Marshall–Brennan, it might not be too surprising that the most common reason for attending law school was a de-

rate of about 22%, which is comparable to other web-based surveys. *See* DON A. DILLMAN ET AL., INTERNET, MAIL AND MIXED-MODE SURVEYS: THE TAILORED DESIGN METHOD 338 (3d ed. 2009). The survey instrument included a mix of question formats, including those that used “force choice” options as well as those that allowed for open-ended responses. Examples of open-ended responses included reasons for attending law school, for attending WCL, and for changing jobs. These open-ended responses were coded into quantitative variables for analysis. We utilized a coding system that utilized a form of inductive coding that is based on an initial emersion reading of the responses. BRUCE L. BERG & HOWARD LUNE, QUALITATIVE RESEARCH METHODS FOR THE SOCIAL SCIENCES 369–70 (8th ed. 2012). We confirmed our coding using inter-rater reliability techniques.

25. *See infra* Table 1.

26. *See infra* Table 2.

27. *Id.*

28. *Id.*

29. *Id.*

30. *Id.*

31. *Id.*

32. *Id.*

sire to work in the public interest (43%).³³ Other frequently reported reasons for attending law school included an interest in the study of law (18%)³⁴ and a desire to pursue a legal career (12%).³⁵ Reasons that might be considered more “self-interested” were less frequently reported as motives for attending law school, such as a desire to obtain an advanced degree (6%)³⁶ and a desire to make money (6%).³⁷

The Alumni Fellows also cited public interest motivations as reasons for attending WCL in particular. The school’s Washington, D.C. location was the most commonly cited reason (50%),³⁸ but the next most frequent response was WCL’s reputation for having a public interest focus (33%).³⁹ Another 13% specifically cited the Marshall–Brennan project as a factor in their decisions to attend WCL.⁴⁰

C. Career Plans

We asked the Alumni Fellows about the career plans they had when they started law school as 1Ls,⁴¹ including their short-term career plans and their longer term career plans. With regard to their immediate career goals, 24% said that as 1Ls they intended to work in non-government public interest positions.⁴² This career plan was the most often cited response.⁴³ Other frequently cited career plans included private practice (22%) and government civil service (16%).⁴⁴ The Alumni Fellows’ longer term career intentions followed a similar pattern. We defined “longer term” as the plans the Alumni Fellows had as 1Ls for their careers five to ten years after law school graduation. A quarter wanted a career in non-government public interest law, 21% anticipated working in private practice, and 18% planned to work in government civil service.⁴⁵

The Alumni Fellows also reported their current fields of work. The most common was government civil service (30%), followed by private practice (25%).⁴⁶ Only 9% reported currently working in the field of non-government public interest law.⁴⁷ With regard to criminal law careers,

33. See *infra* Table 3.

34. *Id.*

35. *Id.*

36. *Id.*

37. *Id.*

38. *Id.*

39. *Id.*

40. *Id.*

41. 1Ls are first year law students. See *e.g.*, *The Law School Experience*, L. PREVIEW, <http://www.lawpreview.com/index.php/ResourcesExperience/> (last visited Apr. 19, 2013).

42. See *infra* Table 4.

43. See *id.*

44. *Id.*

45. *Id.*

46. *Id.*

47. *Id.*

5% of the Alumni Fellow respondents reported current work in criminal prosecution and 4% in criminal defense.⁴⁸

D. Public Interest Drift

We found that only 20% of the Alumni Fellows currently work in the field that they planned when they started law school.⁴⁹ The most frequently observed career path changes were from non-government public interest to another field (21%) and from private practice into another field (15%).⁵⁰ Further exploration into this drift from public interest indicates that one-third of the Alumni Fellows who planned to work in non-government public interest are currently working in government civil service, which is slightly more than the 29% who completely drifted into private practice.⁵¹ Of interest is what might be termed “reverse drift”—a change from private practice intentions into public interest or public service careers. Here we see that over half of the Alumni Fellows who planned to work in private practice are currently working in government civil service (41%) or non-government public interest (12%).⁵² When we examine the Alumni Fellows whose current careers are consistent with their initial goals as 1Ls, we find that over half of these respondents are working in some area of public service—either in government civil service (45%) or non-government public interest (14%).⁵³

We also collected information on the reasons why the Alumni Fellows’ current careers differ from their original aspirations in law school. Frequent explanations concerned issues related to the current economic conditions (10%), lack of available jobs (24%), and educational debt (11%).⁵⁴ The Alumni Fellows also reported changes in their own interests, often as a result of exposure to classes, clinics, and internships during law school (27%).⁵⁵

Further exploration of these reasons by specific career changes revealed interesting patterns.⁵⁶ The lack of jobs in their planned field was a commonly cited reason for those Alumni Fellows initially planning a career in non-government public interest who changed to another area such as private practice or government civil service.⁵⁷ Educational debt was a common reason for those interested in non-government public

48. *Id.*

49. *See infra* Table 5.

50. *Id.*

51. *See infra* Table 6.

52. *Id.*

53. *Id.*

54. *See infra* Table 7.

55. *Id.*

56. The findings are based on additional post hoc review of the data undertaken to explore patterns initially identified in the main analyses. Due to space limitations and the exploratory nature of this review, these contingency table analyses are not presented here. Interested readers may obtain the specific analyses from the authors.

57. *See supra* note 55.

interest and government civil service to have decided to pursue work in private practice.⁵⁸ A change of interests during law school was cited as a reason for changing from private practice to criminal prosecution.⁵⁹

IV. DISCUSSION

Our previously reported research regarding the 2010–2011 Marshall–Brennan Fellows allowed us to test whether the Fellows’ public interest career goals changed over the course of the fellowship year. Contrary to existing work documenting the prevalence of drift, our study revealed that the Fellows’ intentions to work in public interest or public service were significantly strengthened over the course of the year, suggesting that the Marshall–Brennan project provided “subcultural support” for public interest-minded law students.⁶⁰ Our conclusion was limited because we did not have data on the jobs the Fellows actually took after graduation. Our study of the Alumni Fellows allowed us to fill this gap and make preliminary observations regarding the effects of participating in Marshall–Brennan on Fellows’ actual career paths. Preliminary, two points deserve mention: (1) the reverse drift phenomenon among the Alumni Fellows, and (2) the pattern of drifting into government jobs rather than into private practice.

First, one of the more unexpected observations is the number of Fellows who planned to work in private practice but who currently work in public interest or public service jobs.⁶¹ Over half of those who planned to work in private practice are currently working in government civil service (41%) or non-government public interest (12%) jobs.⁶² The most commonly reported reasons for Fellows making this change were the fact that they did not like practicing law and a lack of jobs in their intended field.

Second, our data revealed interesting trends among those Fellows who drifted from their public interest law career aspirations into another field. Our data on the Alumni Fellows showed that they had strong public interest motivations for attending law school; almost half cited a de-

58. *Id.*

59. *Id.*

60. See Addington & Waters, *supra* note 5, at 96 (explaining findings regarding intended careers in public interest and public service for the 2010–2011 Fellows).

61. We defined “public service jobs” to include military and other government jobs, judicial clerkships, and public interest positions, whereas we defined “public interest jobs” to include non-government public interest positions. This distinction largely tracks the NALP definitions of the two employment categories. See NAT’L ASS’N FOR LAW PLACEMENT, *supra* note 22. NALP, however, includes public defenders in the “public interest” category. Although some of our alumni respondents may have self-identified their public defender jobs as “non-government public interest” jobs, we included separate categories for criminal defense and criminal prosecution careers when collecting information about their careers. Thus, any alumni who work as public defenders are not necessarily captured in the alumni survey’s public interest category.

62. See *infra* Table 6.

sire to work in public interest as a reason for attending law school.⁶³ Likewise, as 1Ls, roughly one-quarter intended to work in non-government public interest positions after law school.⁶⁴ However, only 24% of those who intended to work in public interest law report actually taking such jobs upon graduation from law school, and only 9% of all Alumni Fellows currently work in such positions.⁶⁵ Initially, this employment data seems to show that even the Alumni Fellows succumbed to public interest drift. There is, however, an important caveat: of the Fellows who originally planned to work in public interest law, roughly one-third drifted into government civil service rather than, for example, into private practice.⁶⁶

These findings raise questions about whether the definition of “drift” deserves reexamination, and more specifically, whether the traditional definition of “public interest work” often used in the drift research and literature is too narrowly defined. Much of the original (and seminal) literature in the field defines “public interest law” as including only “work in legal aid, as a public defender, or in a nonprofit organization.”⁶⁷ Multiple authors focusing on public interest drift have acknowledged the limited nature of this definition of “public interest law,”⁶⁸ noting that “the term was originally used to [only] connote left-oriented reform activities” and thus does not capture work for conservative public interest causes.⁶⁹ Relatedly, others have argued, for example, that if the public interest law definition includes public defenders, it should also include government prosecutors.⁷⁰

Thus, as several authors have noted, “[w]hat is meant by ‘public interest law’ is certainly a question worthy of debate,” and any data-collection efforts and analyses are quite dependent on the definition used by the researchers.⁷¹ The traditionally limited definition of “public interest law” may well deserve reexamination if we are to accurately capture lawyers’ career motivations, aspirations, and actual paths. Indeed, NALP has already recognized a broader definition of “public interest work,” as it now measures not only the number of lawyers employed in traditional public interest jobs, but also the number of lawyers employed in public service jobs, which includes military and other government jobs, judicial

63. See *infra* Table 3.

64. See *infra* Table 4.

65. See *id.*

66. See *infra* Table 6.

67. Erlanger et al., *supra* note 1, at 853.

68. *Id.*; see also Berger, *supra* note 8, at 144 n.21 (arguing that most entering law school students do not actually have true public interest law aspirations).

69. Erlanger et al., *supra* note 1, at 853 (recognizing the limitations of this definition, but relying on the more limited definition).

70. Berger, *supra* note 8, at 144 n.21. We did not explicitly include public defenders or prosecutors in the public interest category. See *supra* note 61 (explaining definitions used in our research).

71. Berger, *supra* note 8, at 144 n.21.

clerkships, and public interest positions.⁷² Using this expanded “public service” definition, we see a more consistent picture of the Alumni Fellows adhering to their original public interest or public service motivations. Specifically, of those Alumni Fellows whose current careers are consistent with their initial goals as 1Ls, we find that well over half of these respondents are working in public service—45% in government civil service and 14% in non-government public interest.⁷³

Our findings may also suggest that the Fellows themselves embrace a more expansive definition of public interest work after their Marshall–Brennan teaching experiences. The Fellows teach a curriculum focused on civic rights and responsibilities: “The Marshall–Brennan Fellows work with teachers, administrators and lawyers to teach students their rights as citizens, the strategic benefits of voting, how lawmaking occurs and other fundamental constitutional processes.”⁷⁴ This focus on democratic process and civic engagement may well influence how the Fellows themselves define working for the public good and lead them to include government work under that rubric. Their high rates of community service also indicate a commitment to civic and community engagement that may be consistent with a decision to pursue a government career. Indeed, since graduating from law school, over one-third of the respondents have been involved in some form of community service.⁷⁵

V. CONCLUSION

We undertook this study seeking to examine whether public interest-oriented Fellows maintained these ideals and embarked on public interest careers. Our research revealed two important findings that should deepen and enrich the current public interest drift discussion. First, the Alumni Fellows appear to be adhering to, and perhaps even strengthening, their public interest and public service motivations given the patterns of “reverse drift” and drifting into government service rather than into private practice. Second, our research suggests that the traditional questions and definitions used when researching drift deserve reexamination. Using the traditional, more limited definition of “public interest law” may not allow researchers to capture a true picture of whether law students who enter law school with public interest or public service ideals have stayed true to those motivations in their subsequent careers.

72. See NAT’L ASS’N FOR LAW PLACEMENT, *supra* note 22.

73. See *infra* Table 6.

74. *The Marshall–Brennan Constitutional Literacy Project*, AM. U. WASH. C.L., <http://www.wcl.american.edu/marshallbrennan/> (last visited Apr. 19, 2013) (describing the Marshall–Brennan project).

75. See *infra* Table 2.

VI. APPENDIX

Table 1. Frequencies for Year Taught in Marshall–Brennan Program

Year	Frequencies (<i>N</i> = 112)
1999	2%
2000	3%
2001	5%
2002	10%
2003	8%
2004	8%
2005	9%
2006	10%
2007	16%
2008	19%
2009	12%

Note: Percentages may not total 100% due to rounding.

Table 2. Frequencies for Selected Demographics and Law-Related Characteristics

Demographic or Law-Related Characteristic	Frequencies (<i>N</i> = 112)
<i>Demographics</i>	
Sex	
Female.....	70%
Male.....	25%
Missing.....	5%
Race	
White.....	53%
Black.....	11%
Hispanic.....	9%
Other race.....	20%
Missing.....	8%
Political Leanings	
Liberal.....	72%
Moderate.....	18%
Conservative.....	0%
Missing.....	10%
<i>Law School Characteristics</i>	
Current Grade Point Average	
3.7–4.0.....	18%
3.3–3.6.....	56%
3.0–3.2.....	17%
Below 3.0.....	7%
Missing.....	2%

Demographic or Law-Related Characteristic	Frequencies (<i>N</i> = 112)
<i>Educational Debt</i>	
None.....	16%
Up to \$49,000.....	2%
\$50,000–\$99,999.....	10%
\$100,000–\$149,999.....	22%
\$150,000–\$199,999.....	31%
\$200,000–\$249,999.....	11%
\$250,000–\$300,000.....	2%
Missing.....	6%
<i>Post-Law School Public Service</i>	
Reported law-related public service	38%
Reported non-law-related public service	37%

Note: Percentages may not total 100% due to rounding.

Table 3. Frequencies for Selected Reasons for Attending Law School and Attending Washington College of Law

Reason	Frequencies (<i>N</i> = 112)
<i>Reasons for Law School (selected)</i>	
Desire to work in public interest area	43%
Interest in study of law/passion for law	18%
Interest in legal career.....	12%
Wanted a good job/good income	6%
Desire for advanced degree	6%
<i>Reasons for Washington College of Law (selected)</i>	
D.C. location.....	50%
Support of public interest work	33%
Marshall–Brennan program.....	13%

Note: Percentages do not total 100% because respondents could report more than one reason.

Table 4. Frequencies for Career Plans as 1Ls and Current Career

Career Category	Frequencies (<i>N</i> = 112)
<i>Career Plans Immediately After Law School</i>	
Criminal defense.....	9%
Criminal prosecution	3%
Government civil service	16%
Private practice	22%
Non-government public interest	24%
Teaching/academia	1%
Other.....	4%
Missing	21%

Career Category	Frequencies (N = 112)
<i>Career Plans 5–10 Years After Law School</i>	
Criminal defense	5%
Criminal prosecution	5%
Government civil service	18%
Private practice	21%
Non-government public interest	25%
Teaching/academia	3%
Other	16%
Missing	7%
<i>Current Career</i>	
Criminal defense	4%
Criminal prosecution	5%
Government civil service	30%
Private practice	25%
Non-government public interest	9%
Teaching/academia	3%
Other	21%
Missing	5%

Note: Percentages may not total 100% due to rounding.

Table 5. Frequencies for Changes in Law School Career Goals with Current Career

Career Category	Frequencies (N = 112)
Change from non-government public interest	21%
Change from government civil service	7%
Change from private practice	15%
Change from criminal defense	8%
Change from criminal prosecution	3%
Change from teaching/academia	1%
Change from other	4%
No change in goals (current career)	20%
Missing information	21%

Note: Percentages may not total 100% due to rounding.

Table 6. Frequencies for Comparing Law School Career Goals with Current Career for Selected Careers

Career Category	Frequencies
<i>“Drift” from Non-Government Public Interest to . . . (n = 24)</i>	
Government civil service	33%
Private practice	29%
Other areas	38%
<i>“Drift” from Government Civil Service to . . . (n = 8)</i>	
Private practice	50%
Non-government public interest	25%
Other	25%

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Career Category	Frequencies
<i>“Drift” from Private Practice to . . . (n = 17)</i>	
Government civil service	41%
Non-government public interest	12%
Other	47%
<i>No Change in Career Plans and Current Career (n = 22)</i>	
Non-government public interest	14%
Government civil service	45%
Private practice	36%
Criminal defense	5%

Table 7. Frequencies for Most Common Reasons Reported for Changing Careers

Reason	Frequencies (N = 71)
<i>Financial/External Reasons</i>	
No jobs.....	24%
Debt	11%
Other opportunities arose.....	11%
Economy.....	10%
<i>Personal Reasons</i>	
Interests changed during law school.....	27%
Interests changed after law school.....	10%
<i>Other Reasons</i>	15%

Note: Percentages do not total 100% because respondents could report more than one reason.