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So You Want to Make Policy? Think Tank Jobs for Lawyers

by Arin Greenwood

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Q: Who works in think tanks?

A: People who are savvy, have a lot of ideas, and have a background in advocacy. And who are very, very lucky.

Think tank jobs are fantastic—if you are passionate about policy, fascinated by research, and a good writer. And while they don't pay as much as major law firms, salaries are generally on par with those at other nonprofit organizations.

Not surprisingly, most policy-centric think tanks in the United States are in Washington, D.C. Of the nearly 100 U.S.-based organizations listed in the National Institute for Research Advancement's World Directory of Think Tanks (www.nira.or.jp/past/ice/nwdtt/2005/IDX2/index8.html#UnitedStates), 45 are within the Beltway. But there are plenty of state-based think tanks as well, and some national think tanks, like the RAND Corporation, maintain offices elsewhere. Others are sprinkled throughout the country, including such places as Morgantown, West Virginia (Regional Research Institute), and Bismarck, North Dakota (The Consensus Council, Inc.). Many of these organizations have lawyers on their staffs in various capacities.

Student Lawyer asked some think tank lawyers to talk about their jobs and why they took a different career path.

So what is a think tank, anyway?

The term “think tank” can mean lots of different things. It usually (though not always) is used to describe a nonprofit, public policy-oriented organization that does research and advocacy. But there is no strict definition of what makes an organization a think tank.

Some think tanks, like the Brookings Institution, are ideologically independent. Others have a more explicit focus, like the Heritage Foundation, an unapologetically conservative policy organization, or the Center for American Progress, which is Heritage's progressive counterpoint. Somewhere in the middle is the Cato Institute, which is nonpartisan but promotes free-market policies.

Some think tanks have long-standing government connections. The United States Institute of Peace, for example, is funded by the U.S. Congress. The RAND Corporation, which is an independent think tank, has deep ties to the U.S. defense industry and other parts of the government.

Some think tanks, like the Advisory Board Company, are for-profit. Others, like the Berkeley Roundtable on the International Economy, are affiliated with universities; some, like the Insurance Information Institute, are industry-based. Many think tanks litigate or go to Congress, but many do neither.

Given this diversity, the lack of an accurate count of think tanks, either in the United States or abroad, should not be surprising. But, according to some estimates, there are 6,300 think tanks worldwide, of which 1,200 to 1,500 are in the United States, concentrated in the policy-centric Washington, D.C., but also spread elsewhere across the country.

The spread includes think tanks like the Carter Center, an Atlanta, Georgia-based think tank founded by Jimmy Carter and his wife focusing mainly on peace and health; Hrair Balian, a graduate of Golden Gate University, is director of the Carter Center's Conflict Resolution Program. In New York, the Brennan Center for Justice—part think tank, part public interest law firm— at New York University School of Law, works on issues relating to democracy and justice, and hires many lawyers.

There are a large and growing number of lawyer-hiring think tanks that focus on state-level policy issues—many if not most of which are free-market oriented, like Michigan's Mackinac Center for Public Policy, Ohio's Buckeye Institute for Public Policy Solutions, Oregon-based Cascade Policy Institute, and—the only non-free market think tank in the bunch—the nonpartisan Think New Mexico.

ADVOCACY, NOT LITIGATION

In the middle of a trial, Jessica Arons realized that she felt strongly about the issue under contention—women's reproductive rights—but did not like litigation. Arons, who is now director of the Women's Health and Rights Program at the Center for American Progress (CAP) in Washington, D.C., is part of the domestic policy team at the progressive think tank, where she works on a wide range of issues relating to reproductive health.

“We focus on reproductive health and rights, but very broadly defined,” says Arons. “We did an event earlier this year on chemical safety reform in Congress because the chemicals that we're exposed to affect our own health, our reproductive health, and male and female fertility. We also deal with immigrants and their access to health care, reproductive health care in particular, workers' rights, safe working environments. It's making a case for how this is integral to a larger progressive agenda and how all these different issues affect each other. I do feel a little schizophrenic because there are so many different things I could be working on.”

Her job involves a similarly wide range of activities. Arons says her days tend to be a mix of research, writing, and analysis; internal and coalition meetings; media and government contacts;

with an occasional event. She does no litigating in her job, and Arons, who is a 2000 graduate of William & Mary Law School, says a law degree may not be strictly necessary for most of her work or for most of CAP's activities. A small percentage of the think tank's policy staff has a law degree; of the 15 members of CAP's domestic policy staff, only a handful have law degrees.

But, she adds, the ability to interpret and analyze statutes, opinions, and other legal texts serves the organization well. And being a lawyer helped Arons get to this job.

She grew up in the D.C. area and knew politics. Arons spent her high school and college summers interning in lobbying shops, worked in the Clinton White House in a "junior administrative level" after college, and put off law school for a year to work on a campaign.

During law school, Arons spent a summer at the Center for Reproductive Rights (formerly the Center for Reproductive Law and Policy), where she went to coalition meetings, covered congressional hearings, did analysis and writing, and helped develop strategy. After graduation, she went to work for a public interest law firm doing labor and employment law. But she missed working on reproductive rights and found a fellowship at the American Civil Liberties Union where, for her first six months, she was part of the team that challenged the federal ban on so-called partial birth abortion.

Arons realized during that trial that she loved working on reproductive rights issues, but did not love litigating. "So I started looking for policy jobs again and luckily the Center for American Progress had opened a year before. They had just launched this women's program," she says, "and the job description was perfect. It was the first time I looked at something and I felt qualified to do everything on the list. And I felt like there was enough room for growth that I wasn't going to get bored." An added point in her favor—she knew John Podesta, CAP's founder and president, from her lobbying internship and her stint at the White House.

Arons has been at CAP for nearly six years and says that she'd like to stay. "I'm very lucky. It was a circuitous route to get here, but my dream job didn't really exist until I was looking for it. So it really worked out."

ON THE ROAD TO DAMASCUS

Jason Gluck, who is director of the Constitution-Making, Peacebuilding, and National Reconciliation Program at the U.S. Institute of Peace (USIP), didn't start in the policy world. He clerked after law school (JD, 1997, University of Michigan) and spent five years doing commercial litigation and white collar defense in a big law firm.

Gluck left the law firm, intending to learn Arabic in Syria. A second language was a prerequisite for a graduate program he'd been accepted into, but when former Lebanese Prime Minister Rafic Hariri was assassinated two weeks after Gluck's arrival in the Middle East, he found himself instead shuttling back and forth between Damascus and Beirut. Overnight, he had become a witness to the Cedar Revolution, which resulted in the withdrawal of Syrian troops from Lebanon.

"I just started wondering whether I really needed two more years and \$60,000 more debt in order to get a job in foreign policy, or whether my law background and my life experience would be enough," he says.

It was. Gluck came to D.C. and started contacting everyone he knew. He went on an informational interview with someone he thought worked on the Latin America desk at the National Democratic

Institute (NDI).

“Turned out he had since left Latin America to work on Iraq, and this wasn’t an informational interview,” Gluck says. “I realized he was gauging my interest in going to Iraq to work on NDI’s governance program supporting what was going to be the Iraq constitutional review.”

Gluck spent most of 2006 working to build capacity in the Iraqi Parliament with NDI in Baghdad. Then, because of his legal background and what he had learned about Iraqi law and politics, he was asked to join the United Nations constitutional review team, a project that lasted from January through August 2007, when he came back to the United States and “unwound for a few months.”

“When I got back to Washington, I was talking to someone who worked on USIP’s constitution making program,” says Gluck. “We talked for about an hour about the Iraq constitution, and at the end of it he said, ‘So, aren’t you going to ask me about the job?’ It turned out USIP was looking for an Iraq rule of law officer. That conversation happened in November, and I started the job in January.”

In addition to his other responsibilities, Gluck designs and implements rule of law programs in Iraq and Sudan. He splits his time between D.C. and the field. Gluck likes the mix of practical work and policy development. He has advised countries on the role of public participation in constitution making and works on substantive considerations that go into constitutional design.

“Federalism and questions of how to share wealth and power in divided societies” are of particular interest to Gluck. “In post-conflict divided societies, the challenge is often how to design a system of governance that is simultaneously inclusive and stable at the center but respectful of each component’s need for a degree of self-expression and self-rule,” he says. Gluck says his constitutional work has also touched on “the judiciary and judicial independence, bicameral legislatures, natural resources and revenue sharing, presidential versus parliamentary systems, and the critical human and minority rights provisions one expects to find in a constitution.”

PUSHING THE DEBATE

“I describe my job as straddling the political and academic worlds,” says Ilya Shapiro, senior fellow in constitutional studies at the Cato Institute and editor in chief of the Cato Supreme Court Review. “Pushing the debate. Changing the climate of ideas on a long-term basis.”

Before joining Cato, he was special assistant/advisor to the Multi-National Force–Iraq on rule of law issues; practiced international, political, commercial, and antitrust litigation; and clerked on the Fifth Circuit. A 2003 graduate of the University of Chicago Law School, Shapiro says that he “kind of fell into the Cato job.” He had been working at a law firm when he found himself asking a question at a lecture at the American Enterprise Institute, a conservative think tank. “Apparently, Roger Pilon, Cato’s VP for legal affairs, liked my question.”

Pilon asked Shapiro for his résumé and some writing samples, primarily op-eds and law review articles that he had written while in practice. “And the rest is onwards and upwards,” says Shapiro, who joined Cato three years ago.

His job at Cato, a nonpartisan, free-market oriented think tank, is largely self-directed. In addition to speaking and debating across the country, Shapiro spends half his time editing the Cato Supreme Court Review and working on Cato’s amicus brief program, which is responsible for 80-plus briefs a year, mostly in the Supreme Court. The rest of his time is spent writing op-eds, blog posts, and

law review articles and doing media interviews.

Q: Are there somewhat more traditional legal jobs in the think tank universe?

A: Become a general counsel at a think tank or join a public interest law firm.

Ona Dosunmu, a 1996 Georgetown University Law Center graduate, has one of the rare coveted general counsel positions at a think tank. After seven years at a big law firm, she took a management position in the foreign studies program at the nonpartisan, D.C.-based Brookings Institution, at which point the think tank created the general counsel position for her. Dosunmu does all of the usual functions of an in-house counsel—from negotiating contracts to handling immigration matters for employees.

If you're interested in doing straight legal work but also want to be involved in policy development, consider policy-oriented public interest law firms as a good hybrid. Like traditional think tanks, the libertarian Institute for Justice (IJ), headquartered in Arlington, Virginia, publishes reports and op-eds. But a team of IJ attorneys also litigates private property rights, economic liberty, school choice, and free speech in state and federal courts. Among IJ's most high-profile cases was *Kelo v. City of New London*, the controversial 2005 eminent domain decision.

"We're a public interest law firm, which involves doing some think tank things," says IJ staff attorney Robert McNamara, a 2006 graduate of the New York University School of Law. "We publish studies and issue reports, but our primary job is litigation—litigation in the public interest with an eye toward changing the law. In a sense, think tanks are sort of sitting on the sidelines commenting on the game. But we're already playing the game."

Q: How can you get these jobs?

A: Be meticulous, develop ideas and a background in advocacy, and get to know the right people. Don't forget to check the jobs boards.

It would be hard to walk into most think tank jobs straight out of law school. But if you are thinking in terms of future employment, continue to write and publish law review articles and op-ed pieces, get to know people in the policy world, and hone your advocacy skills and policy expertise. Also acquire specialized kinds of experience, depending on your interests. Gluck, for example, was able to parlay his trip to the Middle East into a satisfying career of developing and implementing policies in Iraq and Sudan. The Brookings Institution created a general counsel position for Dosunmu, who moved from a traditional law firm to a management position at the organization. Cato's Shapiro happened to attract his new boss's attention with the right question at the right time. Experience can also help when you haven't gone to a top law school.

There are think tank opportunities for new lawyers. The Institute for Justice hires some new lawyers as staff lawyers. McNamara got one of those jobs as the result of what he calls "shameless begging." He had made a good impression as an intern during his 1L summer. When a job opened

up, he was asked to apply.

Other think tanks like Cato take new lawyers as deferred associates and interns. Shapiro publishes blog posts and notices in libertarian student listservs when he's in the market for a deferred associate or intern, who does "the junior version of what all of us are doing." He looks for people who are "competent and creative and broadly agree with our goals. Most are self-selected. People who aren't qualified generally don't apply."

You don't have to know the think tank's president to get in. Dosunmu got her first Brookings job through the Internet. "I saw an ad somewhere and just applied, sight unseen," she says. "I didn't have any inside contacts. I didn't have any sort of inside scoop. I went through the regular old hiring process."

Or you could just start a think tank on your own. Ted Frank, a 1994 graduate of the University of Chicago Law School, started blogging for the Manhattan Institute in 2004, while he was still working at a law firm. A year later, he joined the American Enterprise Institute to work on civil justice reform. But after five years, Frank missed litigation. He had also developed an interest in the class action settlement process and its potential unfairness to consumers.

In 2009, he decided to open the Center for Class Action Fairness (CCAF), a think tank/public interest law firm that represents class members who are dissatisfied with their class counsel representation. "The majority of what I do is litigation, but I still have the freedom to go out and write law review articles," says Frank. CCAF has had an impressive start. During the organization's first year, Frank took on 10 cases and filed two amicus briefs. CCAF is now fully funded for the next year, has two other lawyers on board, and Frank wants to add more. He also has returned to the Manhattan Institute as an adjunct fellow, editing its Point of Law blog.

Which means that there are lots of ways to get think tank jobs, and countless things for lawyers to do once they're there. And some people are managing to do all of it at once.

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