Even during high school and college, Andrew Bernstein had begun to question the fairness of the criminal justice system. Then after graduating from Penn State with a business degree, he went to work for an agency that helped indigent people who were arrested for minor violations. The aim was to get them mental health and substance abuse treatment that might keep them out of jail when they went to court.

“I had thought this would be a positive experience,” Bernstein said. “I had thought the clients would be released to our supervision because they had done well in alcohol and drug treatment and [since] they were facing only minor charges. But the judge still sent them to prison. Generally, I found that the socioeconomic status of the client ruled the day. If someone dressed nicely and had a better job, that person would get a deal and others wouldn’t.”

That experience prompted Bernstein to save his money for two years so that he could enroll in law school at Touro Law Center in Central Islip, Long Island. And this past summer, the third year landed a hard-to-get internship at Neighborhood Defender Service of Harlem, a community-based public defense practice in upper Manhattan. NDS clients are served by teams, which include criminal and civil attorneys, social workers, investigators, law school interns and others.

Bernstein is just one of 167 Touro law students who were awarded over half a million dollars in work study money and fellowships this past summer to work for public interest organizations and government agencies, ranging from District Attorney’s Offices to the Department of Homeland Security — from Los Angeles to Manhattan. It is one of the largest such law school programs nationwide.

“It became clear that he [Bernstein] was someone passionate about criminal defense and that there was a need for people who would work hard to defend the indigent,” said Professor Richard Klein, who mentors Bernstein.

Touro is known for having a culture that encourages the pursuit of careers as defense attorneys or prosecutors, Klein said.

But fulfilling a dream of entering public service law, as Bernstein wants to do, can be a struggle, said Linda Howard Weissman, an assistant dean at Touro.

“Although many of our students hope to do public interest law, only about 26
percent of our graduates end up doing that,” she said. “Most jobs that students find are on the private side of law. That’s why what Andrew is doing is so important to us. Andrew is a successful example of someone who is passionately and happily saying, “This is what I want, and I’m going to do it.”

Public interest law has always had a limited job supply, according to Tom Maligno, director of public interest at Touro. Now it’s getting worse.

“I’m seeing many, many stories these days about government cutting funding, even for necessary legal work,” Maligno said. “Many agencies are being forced to close.”

Even unpaid internships at agencies are hard to get.

Then there is the salary issue. At a Wall Street law firm, a top graduate can make as much as $160,000 a year right out of law school, while public service positions pay $40,000 to $50,000 — a major issue for students with hefty law school loans.

One of Bernstein’s first steps toward dealing with these obstacles started in fall 2009, when, as a second year, he won Touro’s Bainbridge Moot Court Competition.

Professor Klein then urged Bernstein to apply for a summer internship at Neighborhood Defender Service of Harlem.

“[Bernstein] had purposely sought out the most difficult internship to get,” Maligno said. Although these internships are unpaid, they are highly prized and hard to land.

But Bernstein took his experience in moot court and used it to write the cover letter that went with his NDS application. He also had a long interview at the agency where he greatly impressed the staff, Klein said.

All that, combined with Bernstein ranking in the top 20 percent of his class, helped win him the job. Then the Revson Foundation awarded him a highly coveted $5,000 summer internship grant to pay him for 10 weeks of work. Maligno is also helping Bernstein apply for a post-graduate fellowship to do similar work for two years after graduation.

“I cannot thank the Revson Fellowship program enough,” Bernstein said. “It has given me the opportunity to work at NDS and to pay my rent, travel and food costs.”

At Neighborhood Defender Service, Bernstein works directly under a staff attorney, John Christie, who is assigned to about 50 misdemeanor and 10 felony cases at a time. The city of New York contracts to pay NDS a certain fee per case. NDS also solicits donations to help pay for its services.

Bernstein’s job involves doing research for Christie, writing sample motions, going out with investigators looking into various cases, taking photos of alleged crime scenes and interviewing witnesses, and assisting social workers with issues that may affect a client.

Bernstein also interviews some clients at Rikers Island, New York City’s main jail complex, and at the New York County Detention Center. When he has these prison interviews, he often faces a 45-minute wait just to meet with a client.

“You’re only allowed to bring a pen or pencil and pad of paper with you to the meeting,” he said. “They put you and the client in a concrete room for the interview.”

When people ask if these situations scare him, he said, “I’m never afraid. [The clients] are the ones who are scared and very nervous.”

What the public should understand, Bernstein said, is that criminal defendants are not always bad people.

They are good people who may have had to overcome socio-economic barriers, may have struggled with mental health and addiction issues or simply may have exercised poor judgment,” he said. “These people do not always have access to effective assistance of counsel, … NDS gives clients this effective assistance of counsel, and this is what I would like to do for the rest of my professional life.”

“Andrew is someone who doesn’t want to waste his life,” Professor Klein added. “It’s crucial to be someone doing something that makes a difference.”