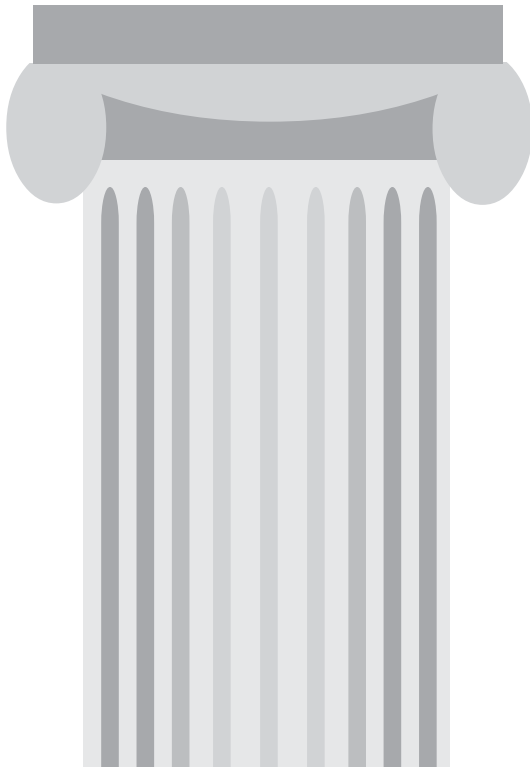


# Outstanding Public Interest Lawyers in Action:

## A Day in the Life of Wasserstein Fellows



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These narratives, written by Harvard Law School's Wasserstein Public Interest Fellows, are an invaluable resource to our students and to law students around the country. We have compiled the narratives to help educate students about what to expect in their professional careers and help guide them in making choices. We are grateful to have these narratives which are personal accounts of individual experiences and can help you capture a bit of the feel for different types of public service work.

The Wasserstein Public Interest Fellows Program brings outstanding public interest attorneys to the Office of Public Interest Advising at Harvard Law School each year to counsel students about careers in public service. "Public interest" has been broadly defined to include law-related work for governmental agencies, legal services, prosecutors, public defenders, and nonprofit organizations that provide legal assistance, conduct research or engage in other activities aimed at advancing the common good. The Wasserstein Public Interest Fellows Program was created in 1990 in honor of Morris Wasserstein through a generous gift from his family. The program recognizes exemplary lawyers who have distinguished themselves in public interest work and who can assist students who are considering similar career paths.

The Wasserstein fellows are selected by a committee appointed by the Dean of Harvard Law School, because of their extraordinary careers in public interest law. The Wasserstein fellows' primary commitment is to meet individually with students and advise them about public interest career options with a particular focus on their own field of specialization. Students have been inspired and informed by these meetings because they leave with a better understanding of what to expect from a particular type of position and the joys and frustrations of public interest law. The fellows also participate in some form of a speaking engagement ranging from a World of Law panel to a round table discussion to a brown-bagged lunch.

The Wasserstein fellowship program exposes our students to a diverse group of accomplished public interest lawyers who are enthusiastic about sharing their passions with law students on how to utilize their legal education to promote social justice. Students greatly benefit from these thoughtful insights into the Wasserstein Fellows' daily activities and it is our goal to expand the universe of students and lawyers who are enriched by these perspectives.

Prior to each Wasserstein Fellow's visit we ask the fellow to prepare a narrative describing a "typical day" and they invariably say that there is no "typical day" in the public interest world and therein lies the beauty of most public interest work, but these narratives also capture the essence of their work. We have asked the Wasserstein fellows to allow us to share these narratives with law students and lawyers across the country because it is our hope that by reading about what different types of lawyers do, you will start the process of finding the niche that is just right for you.

We are grateful to the Wasserstein Fellows for encouraging the commitment to public service and for allowing us to share these narratives and to the Wasserstein family for making this fellowship possible.

## **NONPROFIT**

*Theresa Amato*  
*New York University School of Law '89*  
*Wasserstein Fellow '98-'99*  
*Executive Director and Community Lawyer*  
*Citizen Advocacy Center*  
*Elmhurst, IL*

As a community lawyer and the executive director of a small and growing nonprofit in the western suburbs of Chicago, I don't have a "typical" workday because what I am doing on any given day can vary dramatically. My responsibilities are well defined though and include:

- Setting yearly organizational goals and objectives to accomplish our mission to build democracy and advance justice in the communities we serve; evaluating our progress in doing so on a quarterly basis.
- Day-to-day management of the institution, which is located in a 3,000 square foot storefront (formerly a meat market) on a main street in a western suburb of Chicago;
- Supervising a paid staff of two other community lawyers, and overseeing all institutional needs, like maintenance, purchases, and insurance;
- Recruiting, training, and supervising dozens of volunteers, including practicing professionals, community volunteers, and high school, college, and law school students who seek internships at the Center while matching Center needs with volunteer talents and interests;
- Speaking to citizens and local, state, and national organizations and all media about Center activities;
- Organizing and participating in issue advocacy coalitions;
- Providing testimony to government bodies or lobby on issue areas of concern to the Center;
- Supervising all litigation at all levels of state and federal court and all lawyering activities from writing demand letters to providing legal advice to citizens on matters of public concern ranging from ballot access, freedom of expression, access to public information, public corruption, corporate and government abuses of power.
- Proposing the budget and fundraising from individuals and foundations to meet the budget. This includes writing grant proposals, overseeing at least 4-5 pieces of direct mail per year, maintaining relations with funders and donors from a variety of communities, and organizing yearly fundraising events.

- Paying all bills, reviewing all tax compliance documents, arranging for a yearly audit of all records: and maintain all corporate records;
- Developing the Board of Directors and the Advisory Council and strengthening the Center's relations with the individuals who volunteer to guide the Center's activities;
- Teaching others about and encouraging them to engage in community lawyering and building democracy;
- Providing the long-term and short-term vision, inspiration, and means for the organization and its replication in other communities.

It's noon on Saturday, August 1, 1998; and so far six people have called or stopped by. One citizen wants us to yell at City Hall about a local ordinance and on-the-street parking abuses, another wants us to help his community ecology/theatre group incorporate, and a third has visited because the used bookstore sent her because she wants to volunteer. She wants to do "light stuff only, like filing" as opposed to the woman earlier this week who has finished a masters thesis studying the correlation between pesticides and breast cancer and who wants to volunteer here to do a county-wide survey of municipal chemical spraying. The fourth caller was a member of the City Council in DeKalb, about an hour west of here. He wants to know if we can email him a model whistleblower statute and I tell him that another Center lawyer will do that Monday. The fifth caller is a member of the County Board. She wanted to know if the County Treasurer could be held in contempt of court if he did not pay bills that a court ordered him to pay in a highly controversial debate over whether tax monies should be used to pay the legal fees of seven current and former public officials (four deputy sheriffs, and three former state's attorneys, one now a sitting judge) indicted for conspiracy to commit official misconduct and obstruction of justice. These guys are on trial for allegedly fabricating evidence that kept two young Hispanic men on death row for twelve years, through three trials, and the County Board is highly divided about whether to pay the legal fees to defend the indicted "DuPage Seven." It's been a front page issue all week, in the *Chicago Daily Law Bulletin*, and this case was on *Sixty Minutes* last weekend. We have filed a petition seeking the appointment of an independent state's attorney for the people on the matter.

My days are spent half in suits, the other half in sweats. I work odd hours because building a new organization into an institution is a full-time vocation and because there are night meetings of government bodies, or groups that meet at the Center at night, or public speaking activities at other organizations/events. Though I can set my own schedule, the liberty of being in charge of building a new organization means you have to work and worry more -- much more than if you work in a pre-existing job/firm/organization.

Everyday I read the *New York Times*, the *Chicago Tribune*, the *Chicago Daily Law Bulletin*, on-line news and listservs relevant to my work, and a half dozen local newspapers and professional magazines. I average 6-10 speaking engagements, letters to the editor, articles, tv/radio appearances a month. The Center's work has appeared in more than 80 articles this year, outstripping all of last year already. I measure these kinds of things as a reality check for determining our institutional

presence in the communities we serve. After every major article, dozens of people call about some related problem or with an interest in what we do and how they can help.

As I write this, I have four lawsuits open on my desk that require some attention this week: one in federal court against the CIA, two in state court (one against the City of Chicago, and one against the DuPage County State's Attorney and the County), and a petition before a regulatory body – the Illinois Commerce Commission. All of the lawsuits are about systemic changes of government or corporate practices but in different contexts. Accordingly, we have motions to prepare or respond to, people to meet/discuss matters with, and appearances, and a number of legal demand letters in production.

I am also supervising (along with the Center's two other community lawyers) 10 summer intern projects ranging from the speech rights of the public during local government meetings to jury selection behind closed doors. Yesterday, an intern and I watched his presentation at "Democracy Day" on video to talk about how he can improve his public speaking. Another law student and I talked about his Monday morning interview with a public official to get information about why there seems to be a noticeable lack of minorities and young people on juries in our county. A third intern had an exit interview to discuss his summer experience at the Center and the demands of the litigation he worked on. He had wanted to work only 20 hours a week but kept finding himself pulled into the case more and more, and he was unwilling to leave it. This week I am supposed to testify at a House Committee on tax increment financing reform, an issue the Center has worked on for four years, and the subject of one of our lawsuits that resulted last year in a landmark fair housing award. Today I decide that because one of our other interns who did an outstanding job working in this area for us this summer should get a chance to testify, and I'll just sit with her to answer any questions in case some legislators get hostile.

I have fundraised the budget already for this year (that's three public interest legal jobs), but I am trying to raise individual donations all month to meet a challenge grant that is due by the end of the year, and to cultivate major donors; so part of my week will be looking for dollars. Last week we received a grant for 1999-2000, and the month before that we received a three-year grant, but I am constantly aware that I have to finish raising next year's budget, and I have to propose a budget for the Board of Directors of the Center to start considering at our September Board meeting. I am also creating a list of potential candidates to add to the Board, and those to add to the Advisory Council, which serves as a farm team for the Board.

I am also getting materials ready for the production of a professional video about the Center, but I am doing nothing to prepare for my two talks in the next few days because I have talked to so many groups like the Kiwanis Club, the Rotary, and civic or political groups that I no longer need to prepare anything except the sign-in sheet and the handouts that we already have printed. I am aware that another weekend is going to go by in which I have had no time to write, but I need to finish a handbook on how to start Centers, by the end of this month if possible, and I want to prepare a course outline for a "civic rights" course that I think all law schools in the country should be teaching. My next five years are going to be spent seeding these kinds of Centers all over the country, and so I have to ask myself everyday what I am doing for the systemic goals/future.

Today I am feeling overwhelmed by some of the workload, but that feeling is erased when I see on page A 15 of the *New York Times* that someone whose U. S. Supreme Court brief I wrote six years ago at Public Citizen was just acquitted after having spent 13 years in jail for a crime he didn't commit. When my heart calms down from the excitement, I tell myself that I should still resolve to stop saying yes to so many projects and the lifestyle consequences of doing so. Then I take it back. How many lawyers, no, how many people, can say that they spend their days, their professional career, in pursuit of building democracy by empowering people and by using all of their training to advance justice and remove undemocratic obstacles in their community?

Intelligenda longa, vita brevis. I have a mission. And I wouldn't trade it for any other.



*Robert Bank*  
*CUNY School of Law '86*  
*Wasserstein Fellow*  
*Director of Legal Services & Advocacy*  
*Gay Men's Health Crisis, Inc. (GMHC)*  
*New York, NY*

## **THE MORNING**

### **Prior to reaching the office**

My day always starts with reading the New York Times to check whether there are any media stories that will have an impact on legal issues facing GMHC's clients and/or the HIV infected public at large. Any media piece, whether it be directly about HIV/AIDS, or indirectly connected --such as reports about health insurance, discrimination, disability , welfare reform or immigration -- will usually invite calls, either from clients, other organizations, or other media sources. Depending on the nature of the story and the need for a response, I try to organize a time to brainstorm with colleagues in other departments of the agency, including our communications and public policy department, as soon as I get into work.

### **First thing.....**

I frequently describe our department as a "Legal Emergency Room". Since the primary function of our department is to provide services to people living with HIV/AIDS, there are frequently voice mails and e-mails first thing in the morning requiring emergency responses. These range from situations in which a client might have been arrested and is now incarcerated without medication, to a client who is about to be evicted. Depending on the nature of the emergency, I discuss the case with one of the department's supervising attorneys and the case is assigned for further assessment and a determination of whether we will represent the client.

### **After that...**

Because I have a full time staff of 24 employees, (eight attorneys, four paralegals, eight health care and public benefits advocates, an administrative staff, usually at least six volunteers consisting of law students doing externships, paralegal interns from paralegal schools, and clerical volunteers), I have developed a team. structure for the office based on substantive legal areas. Each team, is lead by an experienced attorney or an experienced benefits expert. On this particular "typical" day I am holding our bi-weekly supervisor's meeting first thing in the morning to discuss issues that the teams are dealing with, whether they be substantive or office-related. Today we are discussing, *inter alia*, the need to train other legal services organizations in HIV related consumer law cases. Bankruptcies are increasingly becoming a high need of our client population, because their health is improving and many want to return to the workplace. We set goals and timetables to accomplish this task. We discuss a thorny issue about a physician at a New York City Hospital where we have an on-site legal clinic. The physician was examining a baby, who I'll call "Baby Boy Carlos," for a regular check-up. The physician found out that the baby's foster father was HIV positive in a discussion with the baby's mother, and immediately had the child removed from his parents' home. Revealing the father's HIV status without his consent is a violation of New York State's HIV Confidentiality Law. In addition, the child was thriving in the foster home and the action of the physician was based on a highly stigmatized view of HIV infection. Because we have a relationship with the hospital, we are discussing whether we have a conflict in representing Baby Boy Carlos' mother against the hospital. We decide to contact the hospital's Executive Director and General Counsel immediately by telephone and in writing. (The case resolves a week later after extensive negotiation with the City's legal office). I have been asked to provide speakers to health care facilities and other organizations on issues around disclosure of HIV in the workplace and the latest remedial immigration legislation and its impact on people living with HIV. We decide on the dates and who will speak.

### **Emergency Interruption...**

A staff attorney is interviewing a client concerning a landlord tenant case and the client is extremely sick. The staff attorney wants my intervention to determine whether we should call an ambulance. I intervene and after a discussion with the client, we agree that he needs to be hospitalized immediately. 911 is called and the client is taken to the hospital. We agree to begin reviewing his nonpayment eviction case.

### **Meeting resumes...**

Another immediate issue that we have to deal with today is the news that Oxford Health Insurance has suddenly announced that it is switching individual health insurance customers from what was called their Personal Freedom Plan to their new Liberty Plan. Neither plan has much Freedom or Liberty! This is going to have a big impact on our clients, many of whom have been notified by Oxford and are calling anxiously. We have already researched New York insurance law and determined that the switch is legal. Now we need to explain the consequences to our clients and advocate for the ability of our clients to continue seeing their current physician without incurring high out-of-pocket expenses. We commit to writing a user-friendly

"Fact Sheet" about this issue and make a timetable for a draft and final product. We conclude our supervisor's meeting.

### **Conference call on impact litigation case**

My next hour is devoted to a conference call with colleagues from Sullivan & Cromwell, a major New York law firm, and the Gay & Lesbian Anti-Violence Project concerning a complaint we are filing challenging New York City's policy on access to HIV and other medication for disabled individuals who are held in pre-arraignment confinement. Our plaintiffs are HIV infected individuals who were arrested during the Matt Shepard Vigil last October. Today's conversation is mostly about corrections and comments on the almost final draft of the complaint. There are some complicated legal issues to discuss around the question of whether to include a first amendment claim in the complaint or whether that would dilute the overall focus of the case. We decide to include the first amendment claim if our plaintiffs are all in agreement. We schedule another conference call.

**One hour before my next meeting, I review documents, mail, answer phone calls and e-mails and discuss administrative assignments with my assistant.**

### **Lunch**

While I am a true believer in taking time for lunch, it rarely happens. Working in a nonprofit like GMHC, involves working with less resources and as such the work is always flowing. This is what makes it both challenging, fast-paced and sometimes frustrating. Today I have my monthly lunch meeting with colleagues who are either Directors of Legal Services offices or General Counsel to nonprofits in New York City. The meeting is hosted by the General Counsel of the Vera Institute, an organization dedicated to improving the criminal justice system. Due to the high rate of HIV infection in New York City and especially among women of color and young gay men of color, I am frequently called upon to advise organizations about issues around HIV confidentiality, Partner Notification and the impact of HIV on the large population of foreign-born New Yorkers. At the meeting today, one of the issues we discuss is the possibility of doing group pre- and post-HIV test counseling and whether this comports with New York Law.

### **AFTERNOON**

#### **Supervision**

My first meeting of the afternoon is a supervision session with one of my supervising attorneys. She runs the immigration project and we are working on the last stages of a brief that will shortly be filed with the Immigration Service on behalf of a gay, HIV positive client from Colombia who is seeking to apply for asylum even though he missed the April 1, 1998 deadline for applicants who had been living in the United States for more than a year. The client is aware of the risk of deportation if we are unsuccessful. However, we feel he has an excellent claim to meet the "exceptional circumstances" exception to the deadline. His health, both physical and mental was extremely poor at the time leading up to the deadline, his long term partner died of AIDS during the year preceding the deadline, and he had no idea of the ability to apply for asylum on



the basis of sexual orientation or HIV status. We discuss strategy and wording of certain sections and feel comfortable that with one more re-write we are ready to file. The immigration project is involved in a full scale campaign with members of Congress to alert them to the serious challenges facing HIV positive immigrants who are foreclosed from legalizing due to the HIV ground of inadmissibility in the immigration law. We discuss the meetings with Congressional members and review our options for drafting legislation together with our public policy department. We discuss staff evaluations, caseloads and the need to restrict our walk-in intake, which is becoming overwhelming for our small staff.

### **Client emergency...**

A staff attorney needs to consult with his/her supervisor. During a client interview about her family law case, a client said she was very depressed about her health, her relationship with her children and the thought of losing custody of her child made her feel like "going to go throw herself in front of a train". The attorney's supervisor contacts our on-call mental health professional by beeper and the client is assessed. I am called into assess the situation. We advise the client what we will be doing on her legal case and the mental health professional assures us that the client has made a contract with him to return the next day for further counseling. This is an enormous advantage of working in a legal office that is part of a larger social services organization and enables us to address the larger non-legal problems facing our client population.

### **Meeting to prepare for training**

I have been asked to train 50 new caseworkers who work for the City's Human Resources Administration, Division of AIDS Services. I have called a meeting to prepare for the training of caseworkers. I ask my staff to give me suggestions about how to conduct the training. We discuss the efficacy of different approaches knowing that many of these caseworkers are jaded. We decide to train them in the areas of housing law, immigration law, public benefits and Insurance issues through the use of hypotheticals and handouts. It is a lot of material to cover so we schedule a tight agenda and decide exactly who will do what.

Quick review of e-mails, return phone calls and review mail and documents that seem to find their way to my desk, mailbox and fax machine as if they were magnets.

### **END OF DAY**

This evening we have a site visit from one of our federal funding sources who is coming to observe a monthly client seminar entitled, "Your rights and responsibilities as an HIV positive employee". This seminar is held from 6pm to 8pm. The seminar is well attended by a diverse group of clients. One of my staff gives her usual outstanding presentation on the complex issues surrounding HIV in the workplace, including whether or not to disclose one's HIV status, applying for reasonable accommodation under the Americans with Disabilities Act and the law around confidentiality of medical information during job interviews in the workplace. The funder is extremely impressed with the quality of the presentation, as well as the number of clients in attendance.

I leave the building feeling tired, but energized by the significance of the issues that have crossed my desk that day and the importance of the work that we do in making a meaningful difference in people's lives.



*Bill Beardall*  
*Harvard Law School '78*  
*Wasserstein Fellow '97-'98*  
*Director*  
*Migrant Farm Worker Division*  
*Texas Rural Legal Aid*  
*Austin, TX*

**Monday**

- 8:30am      Read new faxes, listen to voice mail messages.
- 9:00        Take phone call from attorney in Laredo office with questions about application of the Fair Labor Standards Act to a new case.
- 9:25        Continue listening to voice mail messages.
- 9:30        Bi-weekly conference call with TRLA farm worker staff (one representative from each farm worker office). Discuss new developments and status of ongoing major projects and cases.
- 10:45      Read e-mail and new faxes since 9:00
- 11:15      Edit proposed draft of welfare reform training and educational materials, e-mail edited draft to TRLA attorney in El Paso.
- 12:00      Telephone El Paso attorney to discuss new draft
- 12:30      Retrieve from e-mail, draft summary judgement brief from co-counsel in Weslaco office, begin to read, edit
- 12:40      Respond to phone call from Plainview office staff to iron out personnel conflict
- 1:10        Continue reading, editing Weslaco co-counsel draft brief
- 2:30        Take a lunch break

3:15 Continue work on Weslaco brief.

3:35 Take phone call from Eagle Pass staff attorney needing advice on long-arm jurisdiction over a Georgia employer:

3:55 Continue work on Weslaco brief.

4:30 Take urgent phone call about new proposed state bar foundation restriction against representation of undocumented aliens, discuss strategies for opposing.

4:55 Draft talking points to oppose bar foundation restriction. Fax them the requester.

5:45 Finish work on Weslaco brief, e-mail edited draft back to Weslaco atty

6:30pm Leave work for the day

## **Tuesday**

8:00am Breakfast with AFL-CIO legal director to discuss employment problems in welfare - to-work programs.

9:00 Arrive at office, read new faxes, read e-mail.

9:35 Take phone call from Farmworker Justice Fund, D.C. about Texas farm worker employment data they need for a national advocacy Campaign

9:50 listen to voice mail, read mail from last two days.

10:25 Take phone call from State Bar about making a presentation at Legal Education seminar.

10:35 Finish reading mail.

11:00 Review client employment contract related to a new case from Pecos Texas. Prepare summary memo about its legal implications. Fax memo to Plainview staff attorney.

12:00 Contact Laredo paralegal about conducting outreach and client education trip to Kentucky next month.

12:40 Call travel agent to make reservations for travel to Weslaco tomorrow.

12:55 Eat lunch while reviewing new Dept. of Labor regulations defining employer-employee relationships under federal labor standards statutes.

- 1:40 Prepare memo analyzing new Dept. of Labor regulations for farmworker attorneys and paralegals. Fax to all offices.
- 3:00 Answer phone inquiry from attorney in Michigan about assisting with Texas migrant clients currently having employment problems in Michigan
- 3:40 Contact Plainview attorney to discuss employment contract in the Pecos case.
- 3:55 Conference El Paso attorney onto the above call to get his experience litigating a similar provision in an employment contract in a different case
- 5:45 Finish work on Weslaco brief, e-mail edited draft back to Weslaco atty
- 6:30pm Leave work for the day

**Wednesday**

- 6:00am Drive to airport to catch plane to Rio Grande Valley
- 8:50 Drive from Rio Grande Valley regional airport to Weslaco office
- 9:45 Arrive Weslaco office, call home office to listen to voice mail.
- 10:00 Take part in staff meeting to review new cases. Discuss new developments.
- 11:15 Return phone message from U.S. Dept of Labor official with question about application of law to employment scenario common in Texas.
- 11:40 Consult with staff attorney X about three cases, answer questions, discuss strategies, divide responsibilities for work to be done as co-counsel.
- 1:30 Go to lunch with Weslaco staff
- 2:30 Meet with TRLA director and comptroller about next year's budget and how to cut costs.
- 3:30 Conduct detailed review of cases being handled by staff attorney Y, discussing current status and futures strategy and tactics
- 5:30 Break for beer and conversation
- 7:30 Meeting with 25 farm worker clients whom I am representing in an employment case. Update them on case status and pending settlement offer from employer. Debate and discuss the group's response to that offer, their counter-proposal and the limits of my settlement authority to negotiate a money settlement in between the two proposals.

9:30pm End work day. Late dinner with colleagues for camaraderie including a little informal work discussion.

### **Thursday**

8:30am Meet with TRLA administrative director to discuss arrangements surrounding job posting for open attorney position and recruitment plans and materials.

8:50 Conduct detailed review of cases being handled by staff attorney Z, discussing current status and future strategy and tactics, Case review interrupted in the middle by 10 minute phone call from attorney in Laredo office who has a question which won't wait.

11:00 Check voice mail messages and e-mail, return phone calls requiring immediate attention.

12:00 Go to lunch with Weslaco attorneys and paralegals

1:00 Drive 20 miles to United Farm Workers union hall to meet with union member clients about a specific minimum wage violation they are experiencing in the current onion harvest. Discuss with clients and the UFW attorney the applicable legal protections and available remedies. Agree to begin representation of these clients and to collaborate on legal education campaign to inform other workers about their rights in this matter.

3.30 Drive back to airport, fly back to Austin

6:50pm Return home, end work day.

### **Friday**

8:30am Go through voice mail, e-mail, mail and faxes which came in during the last two

10:00 Take phone call from human services advocate about schedule and content for a meeting with state welfare officials next week.

10:15 Continue catching up with mail and faxes.

10.35 Take phone call from farm worker attorney in Kentucky looking for advice on a case he is handling.

10:55 Prepare comments for 11:00 am conference call.

11:00 Weekly conference call with a group of seven leading national farm workers legal advocates (1) to share information about developments at the national level and

in different regions around the country and (2) to collaborate on joint actions to address key farm labor issues and projects.

- 12:30 Follow up conference call with phone to colleague in Florida to work out in more detail a project we initiated during the conference call.
- 1:00 Read mail while eating lunch.
- 1:45 Contact private immigration law expert to recruit her to assist a TRLA attorney in the Plainview office with a thorny immigration complication in one of the TRLA attorney's labor cases.
- 2:05 Take phone call from colleague in Oregon, who wants me to review and comment on an appellate brief he is preparing for the Ninth Circuit on a critical unresolved agricultural labor law issue. Discuss the issue preliminarily. Promise to help with the brief.
- 2:50 Download from WestLaw and read a new case which the Oregon attorney has suggested I look at.
- 3:40 Take phone call from attorney with Sierra Club and discuss on-going collaboration on an agricultural pesticide protection project and preparations for a press conference and agency hearing to take place next week.
- 4:30pm Leave office to meet with two friends on the University of Texas Law School faculty and an attorney over beer and discussion of TRLA cases they want to help with and a presentation I can make to law students in the school's public interest law association. End of work week.



*Arthur Bryant*  
*Harvard Law School '79*  
*Wasserstein Fellow '96-'97*  
*Executive Director*  
*Trial Lawyers for Public Justice*

Some days, particularly days spent in or preparing for court, permit me to focus on only one or two topics for an extended period of time. Most days, however, require me to deal with a variety of topics. Since no one day captures the full flavor of the excitement, joys, and tribulations of my job, I would describe the apocryphal "typical" day, as involving the following:

\* Read several specialized legal periodicals on cutting-edge aspects of various areas of law

- \* Meet with staff attorney( s) to discuss strategy in a case and/ or pros and cons of a potential case
- \* Review and edit fundraising letter
- \* Meet with Office Administrator, Deputy Director, and/or other staff member(s) on personnel or administrative matter
- \* Review recent court decisions on TLP litigation topics, e.g., federal preemption, send copies to attorneys involved in similar litigation throughout the country, and, if appropriate, began drafting supplemental brief(s) to court(s) on issue(s)
- \* Talk with reporter(s) about a TLPJ case, a recent court decision, or some other topic(s) of social significance, e.g., Title IX, secrecy in the courts, class action abuse, etc.
- \* Answer between 5 and 15 phone calls from members, lawyers, and others on topics ranging from ongoing cases to potential cases to fundraising to membership complaints
- \* Review, distribute, and answer mail on topics ranging from ongoing cases to potential cases to fundraising to membership complaints
- \* Talk with attorney(s)and/or public interest group representative(s) about potential case
- \* Review draft press release and/or article for the newsletter
- \* Either draft or (more frequently) review and edit staff attorney's or TLPJ cooperating counsel's draft of a legal brief in an important case
- \* Receive and/or respond to request for public speaking engagement at legal conference, law school, or other event
- \* Figure out how to respond to some entirely unexpected development

Obviously, no one day involves all of the above (although some do come close). The factual and legal issues I address in a single day, however, are often extremely varied and tend to involve novel matters.



*Martha Davis*  
*University of Chicago Law School '83*  
*Wasserstein Fellow '97-'98*  
*Legal Director*  
*NOW Legal Defense and Education Fund*  
*New York, NY*

One of the best things about public interest law in general and NOW Legal Defense and Education Fund (NOW LDEF) in particular, is that a "typical" day is never routine. It is typical at NOW LDEF to be - as I am today - juggling direct litigation on reproductive rights with legislative advocacy on gender-based pricing and media work on sexual harassment in employment. In each of our issue areas, our goal is to be on the cutting edge: "typically," NOW LDEF attorneys are called on to creatively tackle the burning social issues of the day, looking beyond purely legal solutions to use public policy, public education and grass-roots organizing to achieve our goal of a society where women and girls can achieve their full potentials.

Our legal program is currently focused on violence against women, reproductive rights, economic justice, education, and work and family issues. As legal director, I am involved in all of these areas, though my own area of substantive concentration is economic justice, i.e., poverty and welfare. Unlike many public interest legal organizations, our lawyers are not focused exclusively on litigation in each of our issue areas, we employ multiple strategies to achieve our goals. As a result, NOW LDEF lawyers must develop a much broader range of professional skills than many lawyers. Needless to say, in terms of professional development, this multi-strategic approach is both challenging and rewarding.

Last week was a busy week at NOW LDEF that reflects the nature of our work. Here's a brief synopsis:

Litigation: On Monday morning, I was "mooted" for an oral argument (on Wednesday) before the Second Circuit Court of Appeals in NOW v. Terry, a longstanding case against Operation Rescue arising out of massive clinic blockades in 1988-1989. We represent the plaintiff clinics in the case. The protective injunctions entered around New York area clinics in the late 1980s have significantly improved women' success to abortions. However, Operation Rescue is now challenging the injunctions as moot. The argument itself went well, but you can never tell how the decision will come out until you have it in hand.

More Litigation: In addition to NOW v Terry, during the week I worked with NOW LDEF attorneys on an amicus brief in a case challenging the constitutionality of the Violence Against Women Act (VAWA), pending in Rhode Island. NOW LDEF played a central role in the drafting and passage of the 1994 VAWA, and we are now defending (with significant success) its constitutionality in courts around the country as both amicus and direct counsel. Also, we began preparations to file an amicus brief before the U.S. Supreme Court in Faragher v Boca Raton, a sexual harassment case. Among other things, we arranged a conference call that included all of the major women's right's legal groups to discuss our collective strategy.



Administrative Advocacy: The week began with a conference call with an official of the U.S. Department of Health and Human Services (HHS) regarding new proposed regulations implementing the 1996 welfare reform bill. NOW LDEF attorneys drafted a section of the bill - the Family Violence Option, which addresses issues facing battered women on welfare - and we have continued to be involved in monitoring the implementation of the provision. The regulations were finally available on Thursday and we immediately began preparing an analysis to share with other advocates around the country.

Legislative Advocacy: At the request of New York's Public Advocate, on Thursday, a NOW LDEF attorney testified before the New York City Commission in support of legislation barring gender-based pricing of goods and services. We provided the City Council with information about other laws around the country - notably, California's strong stance against gender-based pricing - and put this issue in the context of gender discrimination generally, including wage discrimination.

Public Education: On Friday, I traveled to Washington, D.C., to brief Congressional staff on new issues in reproductive health care. I spoke about the impact of the 1996 welfare reform law on poor women's reproductive rights, addressing the "family cap," the illegitimacy bonus, and abstinence-only education measures in the bill. We are currently counsel in a lawsuit challenging the family cap in New Jersey, and are monitoring state implementation of the other provisions.

Media: After the oral argument in NOW v Terry, we held a press conference on the courthouse steps and, when I returned to my office, I did several radio and print interviews about the case. On Friday, we scheduled an interview with National Public Radio about Oncale v. Sundowner Offshore Services, a same-sex sexual harassment case pending before the U.S. Supreme Court.

Non-Profit Administration: The week was capped-off by a cocktail party that NOW LDEF hosted in New York City for our Board of Directors and the cooperating attorneys who have worked with us throughout the year. These sorts of events are a regular part of public interest practice, and they expand our network of friends who are educated about both women's rights issues and our work. Our Board meeting was held on Saturday, attended by all the NOW LDEF attorneys. Weekend work - whether it's speaking at a conference, attending a Board meeting or writing a brief - is also a regular part of life at a non-profit, though the hours are much less onerous than private big-firm practice.



*Richard T. Foltin*  
*Harvard Law School '76*  
*Wasserstein Fellow '99-'00*  
*Legislative Director and Counsel*  
*The American Jewish Committee*  
*Office of Government and International Affairs*  
*Washington, DC*

I am confident that I am not the first Wasserstein Public Interest Fellow to observe that it is almost impossible to speak of a "typical" workday in my life as a lawyer employed in the nonprofit sector, nor will I be the last. But if I cannot speak of a typical day, I can, at least speak of the most recent. So let me turn my attention, and my rapidly deteriorating memory, to the most recent days, yesterday ...today.

We are in the closing days of the U.S. Congress, with that estimable body about to adjourn for the rest of the year. These are days in which advocates for all manner of causes urgently seek to ensure that initiatives they support are somehow included on the last trains to leave the station this session, or, conversely, are doing their utmost to prevent inclusion of measures to which they are opposed. Reports appeared in the press over the weekend that the Administration and the Republican leadership were seeking to resolve their differences on the remaining appropriations bills by Wednesday evening but this deadline, like the light at the end of the pier in *The Great Gatsby*, seems always to be receding. By this writing, it is clear that the adjournment will take place next week, at the earliest. Amid all this uncertainty, I have been one of the many advocates -- we also answer to the term "lobbyists" -- working on a variety of issues.

I began the day yesterday, participating from home by telephone in a meeting of the American Jewish Committee's staff steering committee, a biweekly session during which senior staff brief each other on pending matters in their own departments, and discuss policy issues that demand our and the agency's attention. (I was at home because of the need to attend a parent-teacher conference in the early afternoon. But I would have been participating by telephone anyway because the meetings take place in New York, where AJC's headquarters are located, while my office is in Washington, DC.)

My own portion of the meeting was devoted to a brief presentation on certain matters of interest pending in Congress. Of particular note, I reported that there were still efforts under way to include the Hate Crimes Prevention Act in a year-end vehicle, although with a Senate-passed version of that provision having recently been removed in conference from the Commerce-Justice-State appropriations bill the prospects for this seemed unlikely. I also discussed the implications of the agreement reached the week before by the Administration and the Republican leadership to include, in the Foreign Operations appropriations bill, funding for the Wye River peace accord and for foreign aid at a level acceptable to the Administration. I noted that the amount of foreign aid funding was still less than we would have wanted, albeit a substantial improvement over where either house of Congress had been heading only days before, and that we were faced with the challenge of how to interpret this result to the public.

The remainder of my half-day at home was largely spent on the telephone with my office and others on a variety of matters. Among other things:

\* I was alerted by Rob Goldberg, AJC's assistant legislative director, that there would be a press conference later in the day to push for action on the Hate Crimes Prevention Act, convened, importantly, by Republican Members. I instructed Rob to prepare a statement for distribution at the press conference based on earlier statements we had done on this issue. He drafted a statement, which I reviewed with him over the telephone and approved.

\* I returned a telephone call from a New York Times reporter inquiring about our reasoning in signing on to a statement on how public schools should -- and should not -- teach about the Bible. The statement included as endorsers a number of organizations that are often not fellow travelers on church-state matters. The reporter and I spoke at length on the relationship of trust that enables sometime-adversaries to work together nevertheless in developing a statement on principles on which we agree. The story will appear in the Times this Friday. Let's see what shows up!

\* AJC's Legal Director called to discuss agenda items for the meeting of AJC's National Affairs Commission in December. Much turns on Congress' actions in the closing days, so we agreed to wait another couple of days and see what develops. We also discussed a pending appellate court case and whether AJC should file an amicus brief in that case.

\* I spoke with the office of House International Affairs Chairman Ben Oilman in an effort to set up a meeting between the Chairman and some of AJC's top leaders.

After a quick lunch at home, I headed out for the parent-teacher meeting and then, finally, for the office. I arrived at about 3:30 to learn that a lot of other stuff was bubbling in this end-of-the-session season. The rest of that day and the next were devoted to an effort to influence the result in a number of areas.

In prior days, we had been working to modify "charitable choice" provisions in the "Fathers Count Act," a bill moving through the House intended to fund programs designed "to promote responsible fatherhood." "Charitable choice" is a rubric for provisions included in several pieces of social service legislation since 1996 that allows religious institutions to receive public funds without what AJC believes are necessary church-state safeguards. We had discussed with the office of Congressman Ben Cardin, the Democratic lead sponsor on the bipartisan "Fathers Count" bill, the possibility of his seeking changes in that initiative's "charitable choice" provisions so as to address our concerns.

Upon my arrival at the office Monday afternoon, I learned that "Fathers Count" had been scheduled for floor action the next day. I called Cardin's office only to be told by a staffer that the Congressman had attempted to work this issue out with his Republican cosponsor but to no avail. I was informed that Cardin was on our side on the "charitable choice" issue but not enough so that he would walk away from what he thought was an important bill. I advised the staffer that she should expect AJC and others to oppose the bill's passage if it went forward in its present form. She said she understood and we agreed that we hoped we would soon have an opportunity to work together on another project. I turned to working with Rob in preparing a letter to selected Representatives

(by and large, those who had voted against the Istook school prayer constitutional amendment) urging a "no" vote on "Fathers Count" because of the "charitable choice" provisions. Luckily, we had a letter in hand that had recently been sent to Senator Jack Reed urging him to oppose "charitable choice" provisions included in yet another bill pending in the Senate. (Senator Reed placed that letter in the Congressional Record for November 3, 1999, S13860-61.) The letter was modified to deal with "Fathers Count" and prepared for distribution to over two hundred offices the next day.

While all this was going on we received a fax from the office of Rep. Chet Edwards, a strong ally on church-state issues, advising that Rep. Edwards had prepared an amendment that would "fix" the "charitable choice" provisions, that he would be asking the House Rules Committee to rule the amendment in order for the next day's consideration of the "Fathers Count" bill, and that he would appreciate our endorsement of the amendment prior to his appearance before the committee that evening. We were asked to get back to his office within the hour. After some internal consultation, I called Rep. Edward's office to say that we were endorsing the amendment. It seemed unlikely to me, however, with time as precious as it was, that the Rules Committee would allow the amendment to be offered.

The "charitable choice" issue was far from the only thing on our plate. We also learned on Monday that Senator Orrin Hatch intended to offer an amendment to the bankruptcy bill coming up on that day in the Senate that included a school vouchers provision. This was somewhat of a stealth initiative, as the vouchers language was part of an amendment largely dealing with "Methamphetamine and Other Controlled Substances." Happily, the organized anti-vouchers coalition had spotted this and also had prepared a sign-on letter to which members of the coalition could, well, sign on. With limited time and much else to occupy us, I decided to focus on the "charitable choice" issue on this go-round. (There was also an indication that this amendment might not survive conference even if it was adopted and that, in any event, President Clinton would veto the bankruptcy bill if it reached his desk with the vouchers provisions included.) We did not do our own letter or calls, relying on the letter to which we had signed on and the calls that we knew would be made by our very active coalition partners.

With the letter in opposition to "Fathers Count" well in process, I left the office at about 7:00 p.m. (Rob and our administrative assistant stayed to get the letters out) in order to attend an event at the nearby B'nai B'rith Klutznik National Jewish Museum, the opening of an exhibition of photographs of Franz Kafka's Prague and of the Mausoleum of the Chatam Sofer in Bratislava. Those in attendance included representatives from the Czech and Slovak governments and the leader of the Bratislava Jewish community. The event was of particular interest to me because my parents came to this country from Bratislava and the Chatam Sofer, a prominent 19th century rabbinic scholar, is my great- great-great-grandfather (I may be slipping a "great" here.) With the program over, I headed home - too late, alas, to see my two children before they went to sleep.

The next morning proved as hectic as the previous afternoon -- and this was before I even got out of the house! In addition to the usual pandemonium of getting a first- and second-grader fed and ready for school we learned that neighbors of ours had had a baby early that morning. Could we pick up their two kids (at home with a temporary caretaker) and take them to school with our own children? Of course ! So I quickly drove over to our friends' house to pick up their children,

then back to my own home to drop them off (my wife was going to take the combined broods to school), then quickly off to work.

Imagine my surprise when I arrived at the office that morning (only a little bit late) to learn, via e-mail from Congressman Edwards' office, that the amendment had been ruled in order and would come up on the floor that morning! I quickly send out an e-mail action alert to AJC's field offices asking our area directors to be in touch with local Representatives urging a "yes" vote on the Edwards amendment and a "no" vote on the underlying bill if the amendment was voted down. In the meantime, our administrative assistant was put to work calling targeted offices to let them know what was in the offing and urging the targeted Members to speak in favor of the amendment on the floor. By mid-morning, we had learned, however, that the bill had been pulled from the calendar and would come up the next day, Wednesday. We then set to work on a second letter to the House, this time urging a "yes" vote on the amendment (the first letter only called for opposition to the bill because at the time it was written the amendment had not been ruled in order), to be included in a combined letter-drop of letters from several organizations.

On another matter, we had begun to see some indication that Congress would finally take action to pay U.S. arrearages in the UN without attaching unrelated riders on international family planning that would lead to a presidential veto. Nevertheless, we were being urged by coalition partners to weigh in with congressional leadership to urge that this step be taken. Following up on a communiqué from the head of AJC's Washington's office ( on business travel in Singapore), we drafted and delivered a letter to about fifteen selected leaders on this topic on Tuesday afternoon.

At lunchtime on Tuesday I ducked out to participate in an afternoon prayer service at the nearby offices of the Agudath Israel. This daily service had fallen short of the ten men required for an Orthodox minyon (prayer quorum) the day before and I had been drafted to assure this did not happen again. On this day, there were some fifteen worshippers in attendance. Actually, a good portion of those present were part of the Washington Jewish nonprofit community -- in addition to the Agudath Israel Washington representative and myself, I saw staff from the Anti-Defamation League, the National Conference on Soviet Jewry and the Union of Orthodox Jewish Congregations. On the way out, I chatted with the head of the Orthodox Union's Washington office about pending matters.

Of course, there were a number of other matters that required attention in the interstices of that Tuesday. While all this was going on, I was also discussing with ABA staff further activities of the AVA First Amendment Rights Committee that I co-chair, reviewing a memo from the moderator of a local Jewish public affairs TV program on the topics to be covered when I appear on the show next week (this is the list verbatim: hate crime legislation, charitable choice, values education, race and school diversity, the peace process, organizational changes in the national Jewish community, campaign 2000-lessons of recent elections), corresponding by e-mail with the agency's associate director on internal AJC process on a policy issues, and... oh, yes... writing this report on "typical day."



*Jim Gomes*  
*Harvard Law School '79*  
*Wasserstein Fellow '94-'95*  
*Chief Executive Officer*  
*Environmental League of Massachusetts*  
*Boston, MA*

- 8:30 a.m. Drop kids at daycare
- 9:30 a.m. Arrive at office; make phone calls; confer with staff on story in Globe, upcoming fundraiser
- 10:00 a.m. Meet with activists (e.g., toxics, state parks)
- 11:10 a.m. Work on grant proposal to foundation; talk with staff member about financial reports for next week's board meeting
- 12:15 p.m. Lunch in office with staff
- 1:10 p.m. Read mail; return phone calls
- 1:45 p.m. Take call from radio reporter on proposed EPA budget cuts; tape interview
- 2:00 p.m. Attend meeting with Commissioner and other state officials on toxics use reduction
- 3:50 p.m. Arrive back at office; confer with legislative director on developments today at legislative hearing he attended
- 4:00 p.m. Call board member to ask for help with new donors
- 4:10 p.m. Resume work on foundation proposal
- 4:45 p.m. Return phone calls; schedule meeting with intern on environmental budget analysis
- 5:15 p.m. Sign "thank you" letters and write personal notes to donors
- 6:00 p.m. Leave office
- 6:45 p.m. Arrive home



*Katherine Kennedy*  
*Harvard Law School '86*  
*Wasserstein Fellow '99-'00*  
*Senior Attorney*  
*Natural Resources Defense Council*  
*New York, NY*

I am an environmental lawyer. I work with a team of economists and lawyers to try to develop a more environmentally sound energy policy in the U.S., with a special focus on New York State. My typical work week is Tuesday through Thursday. I spend Mondays and Fridays at home with my two children. This is a schedule that I have jealously cherished for the last six years because it allows me both to pursue an interesting and challenging career and to have the freedom to spend large blocks of unstructured time with my kids. This freedom carries its own demands: work overflows into my time at home, during the day I fold laundry while participating in conference calls and reviewing emails, and I spend many large chunks of evenings and the weekends at the computer. From time to time I feel overwhelmed. But, for the most part, the blurring of work and home life has become natural for me and my family and does not diminish our pleasure in the time we can spend together .

Here is an outline of atypical day at the office for me. It's a Tuesday. I arrive at NRDC's New York City headquarters in Chelsea around 9:30 a.m., after dropping off my older child at school. I begin to sort out and respond to the pile of routine email, mail and phone messages that have accumulated since my last day in the office on Thursday. (I have already dealt with any urgent matters through phone and email from home). As I sort, I think through and prioritize the day's work.

This morning, I am most concerned about an administrative motion that several New York state utilities have filed seeking rehearing of a decision by the Public Service Commission (the state agency that regulates utilities) that is intended to make it easier for customers with on-site renewable energy systems (e.g. solar panels, wind mills, fuel cells) to connect to the electric grid. Although I'm not that crazy about the Commission's decision myself (it could have made the interconnection process a whole lot easier), it's important to defend any forward progress on these technically difficult issues and I want to create a full record in the event that the utilities challenge the decision in court.

So I begin the process of drafting a response, working by email and phone with a colleague at another New York environmental organization who is frequently my partner on these issues. Basically, the utilities are arguing that interconnection decisions must be made at the federal level by the Federal Energy Regulatory Commission ("FERC") rather than by the states. So my New York partner and I consult by conference call with colleagues in Washington D.C. and Washington State who are experts on these complex FERC jurisdictional issues. The world of public interest energy lawyers is small and we all work together constantly. Even though I have never met some of the people I regularly call and email, their support and help and moral support is crucial to me.

After working through the legal issues with my colleagues and outlining and dividing up responsibility for drafting our response, I begin the equally important process of calling potentially

influential environmental and renewable industry groups with a stake in the interconnection process who might sign onto our brief and make our coalition even stronger politically. I munch on a sandwich as I make these calls.

In the afternoon, I meet with the other members of the New York office energy team, who include another lawyer and two energy economists. We discuss some of the difficult issues that surround the siting of new power plants in New York. Because the state is in the processing of opening up the electric industry to competition, power companies are lining up to build new power plants to supply the emerging competitive market. The new plants have many environmental advantages over the old ones but siting even a technologically advanced power plant is difficult. Both rural and urban residents object to having power plants as neighbors for a range of legitimate public health and land use reasons, as well as others that smack of NIMBYism. My colleagues and I are attempting to work out appropriate siting criteria that would allow the cleanest plants to get sited.

Although these issues are contentious and we end up arguing a lot over how to balance the competing interests (is this a case of cleaner air v. reindustrialization of the Hudson Valley?), this meeting is one of the highlights of my week. Because we are all so busy and travel a lot, it is a treat to spend an hour with my colleagues and friends. After sorting through some of the siting issues and getting closer to developing an "official" position, we linger just to talk and swap gossip and jokes that only fellow energy wonks could love.

The rest of the afternoon disappears quickly. There's a series of phone calls. Someone calls to ask whether she would be entitled to an income tax credit for a solar power system that she is interested in buying for her summer home on Long Island. (Unfortunately, no: the tax credit only applies to primary residences). Because I lobbied to enact the solar tax credit legislation and there are very people that are knowledgeable about solar power in state government, I have ended up being the official New York State expert on these issues, even though, from my perspective, my own knowledge is quite limited. A reporter calls to ask about the status of coal burning furnaces in New York City public schools, another issue that I have worked on for years. Some good news: thanks to the environmental bond act that New York passed several years and the politically embarrassing symbol that these antiquated and dirty furnaces have become, the number of schools with coal burning furnaces has dwindled from 335 to 90, with the phaseout complete by next year. I try to explain to the reporter that the problem he wants to write an expose about has already been substantially solved. Next, I write a progress report for a foundation that supports our work. I groan as I attempt to draft a few pages that sound upbeat while still acknowledging how much further behind New York is on energy issues than other states like California and Massachusetts.

My last job for the day is to get organized for a talk that I am giving on power plant siting issues tomorrow in Albany. The 7:15 am early train to Albany will be packed, as usual, with hordes of lobbyists headed to the state capital to attempt to see and influence as many agency heads and legislators as they can times a month, sometimes as often as once a week. Although I don't enjoy networking, "face time" is important in my field, where legislative and regulatory action tend to achieve better results than litigation. I make a list of people whom I need to see. I will hope to catch up with them at the conference, or, if need be, drop by their offices afterwards.



I head for the subway. On the way home, I will look over some energy journals and a couple of back issues of the dairy environmental reporter. I'm home by 7:00 p.m., in time to relieve my babysitter and phase back in to family life. My energy agenda recedes into a different part of my brain and Harry Potter beckons. . . .



*Linda Kilb*  
*Harvard Law School '88*  
*Wasserstein Fellow '98-'99*  
*Disability Civil Rights Lawyer*  
*Disability Rights Education and Defense Fund, Inc.*  
*Berkeley, CA*

For the past ten years I have been a lawyer with the Disability Rights Education and Defense Fund, Inc. (DREDF), a national law and policy center dedicated to protecting and advancing the civil rights of people with disabilities through legislation, litigation, advocacy, technical assistance, and education and training of attorneys, advocates, persons with disabilities, and parents of children with disabilities Headquartered in Berkeley, California, with a branch office in Washington, DC, DREDF is a cross-disability legal defense fund that is dedicated to representing the interests of all people with disabilities as a class. Founded in 1979 by people with disabilities and parents of children with disabilities, it remains board- and staff-led by members of the community that it represents, including me, a person with a hearing impairment who uses a hearing aid. I began my law career as a Staff Attorney with DREDF from 1989-1992; served as DREDF's Managing Director from 1992-1995; and since 1995 have been Director of DREDF's California Legal Services (IOLTA) Support Center Project.

There are three constants in the days that make up my professional life. I generally enjoy them all; they all begin with a strong double latte (typical Berkeley style); and they are all constantly interrupted by the telephone. Beyond that, my work requires me to shift between many roles counselor, advocate, scholar, teacher, manager and ambassador to various communities. For days or weeks at a time, one or two of these roles may require almost all my attention. Then one project or priority winds to completion, and another role or two will begin take precedence. Like most public interest lawyers, my full-time job generally extends to more than a 40 hour week. During particular crunch periods when I have a major brief or grant-related deadline, when a major training is about to occur, or when I am traveling for business, I may find myself working 12-13 hour days and weekends for several weeks. During periods after a major deadline, I may only work 30-35 hours for a week or so. On average, I probably work about 50 hours a week, and during most weeks I put in those hours without working weekends by staying at the office into the early evening. Because I find shorter, more frequent holidays more rejuvenating than extended breaks, I generally take my time off sprinkled throughout the year in the form of long weekends, and one or two week-long vacations.

Because my job is so variable, it is difficult to identify any given day, or even given week, as "typical." As a relatively complete overall picture, however, I offer the following "representative week" in the life of a disability civil rights lawyer.

Monday: Counselor. I work for an organization that gets over 1000 calls a month from real people with real problems. One constant of my job is that I end up on telephone calls and in meetings with folks who share with me the hopes, worries and intimacies of their daily lives, generally at a time when they are under great stress. My counselor role involves listening carefully to the stories that people have to tell; helping them to identify their goals; and providing information and insights as to whether and how the law, and DREDF in particular, can further those goals. Sometimes the solution is as simple as just listening to someone who needs to talk, helping to clarify goals, or providing basic legal information that can be used in self advocacy. Sometimes I'm left with the unpleasant task of explaining to someone that the law has no solution for them, or that my organization lacks the resources to assist them. Often my counselor activities take the form of one-time contacts. In very few cases these contacts can turn into longer relationships if DREDF agrees to represent the caller in an extended advocacy effort, or in litigation. On the down side, the process of interacting with clients as a counselor can be frustrating and draining. But on the up side, many of my most cherished memories of the law are memories of private attorney-client communications: conversations in which clients have trusted me with their secrets, expressed their gratitude, or simply left me feeling that I have been enlarged through a connection with another human being.

Tuesday: Advocate. My advocacy work includes participation in the development of policy positions and legislative lobbying efforts to advance the civil rights of people with disabilities, as well as representation of clients in non-litigation advocacy and in all stages of individual and class-action litigation. This is the strategy and persuasion aspect of my work, the process of identifying a goal and mapping out away to get to it through the use of tools. Advocacy work can be as mundane as knowing how to look for an answer in the federal rules; as tedious as hammering out legislative or settlement agreement language in many large meetings held over many months; and as invigorating as sparring with a panel of well-prepared federal appellate judges at oral argument. Advocacy work involves the terror of realizing that law is an art, not a science. At its best, the reward is not only success for the client and the cause, but the exhilaration that comes from building something on which you can put your own unique signature as a legal craftsman.

Wednesday: Scholar. Because I practice in a cutting-edge field of law, my job often gives me the chance to address first impression legal issues in a litigation context, including work at the U.S. Circuit and Supreme Court levels. When a significant brief is due in one of my cases, I do what I can to put the rest of my workload on hold, and I crawl into a quiet corner of some library for the duration. This scholar role takes me back to one of the things that I liked best about law school: the process of immersing myself in a particular issue, reading case law and commentary, and crafting, testing and refining legal arguments. Scholarship outside the ivory tower also includes "rolodex research," the process of consulting with other lawyers, and sometime with law professors, to get their legal insights. I'm also a "rolodex research" source for others, as part of my job involves responding to lawyers--particularly lawyers who are new to the field--seeking information and advice regarding their own cases. Through such contacts DREDF not

only provides support to other advocates, but also gets valuable information about new problems and trends around the country.

Thursday: Teacher. DREDF runs a clinical legal education program that brings law students into our office to handle client intake calls, and to do work on DREDF litigation cases. I enjoy interacting and brainstorming with students because it gives me the chance to see the cause, the clients, and my work through fresh eyes. In addition to working with students in a clinical setting, I occasionally guest lecture in Bay Area law school classes of relevance to my field. Lastly, I provide training to lawyers, advocates, and especially to people with disabilities regarding disability civil rights laws, in formats ranging from hour-long panel presentations to multi-day intensive programs involving several DREDF trainers.

Friday: Manager. During the three years that I served as DREDF's Managing Director, in addition to my substantive legal work I was responsible for the organization's day-to-day fiscal, administrative and management operations. In 1995, in order to permit me to devote more time to substantive work DREDF hired a Director of Administration to assume most of these day-to-day functions. I am still a member of DREDF's Management Team, a horizontal management structure that runs the organization in lieu of an executive director. In this capacity I remain involved in the organization's personnel and fiscal management ( dealing with personnel and staffing issues, participating in budgeting decisions) as well as in fundraising and grant management activities (assisting in the preparation of solicitation mailings and grant applications, and the preparation of grant reports),

Ambassador Time. The success of any public interest law organization is dependent on its ability to remain linked to a number of critical, albeit disparate, communities. The primary community, of course, is the constituency served, which in DREDF's case is the disability community nationwide. But success also depends on finding support within the philanthropic and other funding communities; the larger legal community (other public interest advocates, who are valuable coalition allies and "rolodex research" resources, and the private bar, which can offer critical pro bono and co-counsel support); and the media, which can enhance both moral and practical support for a public interest cause by enhancing the visibility of an organization and its mission. Consequently, doing a good job as a public interest lawyer means serving as an ambassador to all of these communities on a regular basis. In my ambassador role, I often draft and follow up on press releases about DREDF's work and talk to the press nationwide both about DREDF activities and about disability rights issues generally. Generally at the rate of 2-3 events per month, I also go to disability community gatherings, to public interest fundraising events, and to bar and alumni reception events. The purpose of such attendance is not so much to pursue a particular agenda, but to get to know people and to keep on top of current issues, slowly building the community friendships that prove critical to the long-term success of any political movement. Often these ambassador tasks occur as weekday luncheons, or on evenings or weekends.

Down Time: While my job can be at times all-consuming, most weeks I have evenings and weekend time to pursue non-work activities. In fact, I have even time to have another job, working part-time (generally a few weekends, plus a week each year) for the U.C. Berkeley Department of Recreational Sports, leading backpacking trips. Taking people into the woods helps me put my law work in perspective: the terror of representing people who place their

trust in you is nothing compared to the terror of possibly losing them in the wilderness! When I'm not putting peoples Jives at risk (literally or legally), I like to read in my San Francisco living room with its view of the Golden Gate Bridge, relax with my friends, enjoy the sights and sounds of the Bay Area, or tie on my running shoes for a daily spin through Golden Gate Park or nearby Kezar Stadium. The constants in my days off are remarkably similar to those in my work days: I Generally enjoy them all, and they all begin with a strong double latte (yes, believe it or not, you can steam milk in the wilderness). The one big difference is that during my down time I'm likely, blissfully, to ignore my telephone.



*Lenora Lapidus*  
*Harvard Law School '90*  
*Wasserstein Fellow '00-'01*  
*Legal Director*  
*American Civil Liberties Union of New Jersey*  
*Newark, NJ*

Although it is difficult to describe a typical day, a representative recent week looked like the following. On Monday, I spent the morning writing a section of a brief on a welfare law that denies children born into families receiving benefits the additional benefits necessary for their support; conducted a conference call about the next steps to take in our challenge to a university policy that denies health benefits to the partners of Lesbian and gay faculty members; and attended a pro-choice coalition meeting where we discussed strategies to defeat a state constitutional amendment authorizing mandatory parental notification before minors can obtain health care. The next day, I presented oral argument in the Federal District Court opposing the government's motion to dismiss in a case involving racial and gender profiling at the airport; worked on a grant proposal to support reproductive rights; discussed pending legislation for paid family leave; and sent a letter to the State to follow up on a Right to Know Request we had submitted to obtain documents relating to lead poisoning among poor children. On Wednesday, I testified before the State Legislature on the parental notification constitutional amendment; wrote an article for our newsletter; had a conference call about a town ordinance that infringes on free speech; negotiated a settlement of attorneys' fees with the attorney for the State in a case challenging an abortion ban; and conducted an interview with a reporter about the church-state implications of the construction of an Eruv (a Jewish demarcation) in a town. The following day, I attended a meeting in the morning with Senator Corzine, and in the afternoon with Senator Torricelli, about the nomination of John Ashcroft as Attorney General; and in the evening attended a meeting of the Sex and Law Committee of the New York City Bar Association. On Friday, I attended a status conference instate court, in our class action suit against the State Police for racial profiling on the New Jersey Turnpike; participated in a press conference about a suit involving immigrant workers; and reviewed a decision granting a permanent injunction against a random student drug testing policy and then responded to press calls about this victory in our case.

My job is extremely diverse, both in substance and in form. I spend a fair amount of time on the telephone, in conference calls strategizing about ongoing litigation or cases that we are developing. I also engage in numerous meetings with coalition partners and members of bar associations focused on gender issues and civil liberties. I often talk to the press, or give public presentations on civil liberties matters. I write and review drafts of complaints, discovery requests and responses, and briefs. I examine witnesses at trial and argue motions before the trial and appellate courts. I prepare reports for our board of directors and articles for our newsletter about the litigation in which I am involved. I analyze legislation and present testimony before the State Legislature. Each aspect of my job is fascinating and the combination of these many different types of tasks keeps the work stimulating.



*Patricia Mendoza*  
*De Paul College of Law '84*  
*Wasserstein Fellow '00-'01*  
*Regional Counsel*  
*The Mexican American Legal Defense and Educational Fund*  
*Chicago, IL*

The Mexican American Legal Defense and Educational Fund, MALDEF, is a national nonprofit civil rights organization whose mission is to protect and promote the civil rights of the more than 30 million Latinos living in the United States. We have regional offices in Los Angeles, San Francisco, San Antonio, Chicago and Washington, D.C.

I am the Regional Counsel of the Chicago office which has jurisdiction over the Midwest region - Illinois, Wisconsin, Indiana (Seventh Circuit), Michigan, Ohio (Sixth Circuit), Iowa, Missouri and Nebraska (Eighth Circuit). In addition, in August 1999, given the growing Latino population in the Southeast, the Chicago office expanded its jurisdiction to include Alabama, Georgia and Florida (Eleventh Circuit).

My responsibilities include determining the litigation and advocacy needs of Latinos living in the Midwest and Southeast to develop plans and strategies to advance and protect their civil rights in the areas of employment, political access, education, immigrant rights and public resource equity. In addition I provide supervision and guidance to the regional office staff to ensure that appropriate investigations are initiated and conducted; that litigation is warranted, well thought out, and effectively conducted; and that advocacy positions and papers are well researched and effectively written and/or delivered. I am also required to act as a MALDEF spokesperson to the media and at special events or forums; develop and maintain a network of ties to other organizations and coalitions in order to further ongoing litigation and public policy advocacy, identify and nurture potential funders and or supporters and plan our annual fundraising dinner. In other words, I carry out the roles of Executive Director, Litigation Director and Development Director. And if these tasks don't seem daunting enough, consider that they must be carried out by

a staff of nine - a regional counsel, a senior litigator, a staff attorney, legislative staff attorney, state fiscal policy analyst, a paralegal, two support staff and one part-time volunteer lawyer.

Because of the many components, it is not an easy job. It requires an individual to be able to juggle many things at once. You **MUST** be a good time manager . You must be able to identify all the tasks that you need to carry out. You must be able to prioritize and delegate. This means giving up control and trusting others. (Not an easy thing for a type 'A' personality). Nevertheless, it is a job that I truly love because it has helped me identify and develop skills that I never even knew I had. And even after 5 years, I still feel that there is so much more potential for growth.

Given the many aspects of the job, it is hard to describe a typical day. Because, there is no typical day. I learned this lesson my very first day on the job, November 20, 1995, when I showed up at work in casual attire planning on spending the day unloading boxes, hanging pictures and getting acquainted with the fax machine, the copier and the computer. Instead, I had my first lesson on life at MALDEF because November 20, 1995 was also the day that the decision on our Temporary Restraining Order (TRO) in the Proposition 187 case came down. This case involved a challenge by MALDEF and other advocacy groups to a California Initiative, Proposition 187, approved by the voters in November 1994 which would have required every California school district and state funded college to verify immigration status of all students and report all students and parents suspected of being undocumented to INS; denied all publicly funded health services, including prenatal care, child immunizations and prevention and treatment of infectious diseases to people unable to prove lawful status; screened all applicants for public social services for lawful immigration status and required all law enforcement officials to report individuals suspected of being undocumented to INS. Of course, I know all of this now. I did not know it on the morning of November 20, 1995. I knew of the case generally. I had heard something about the decision that morning on Good Morning America as I got ready for work but I was certainly **NOT** ready to address reporters. Yet that is precisely what I had to do! By the time I arrived at the office, there were already messages from reporters and people holding on the line. And our national office is in Los Angeles, two hours behind Chicago, so there was no one to call for guidance. After my initial reaction - How bad would it look if quit? - I actually devised a good stall tactic. I told everyone holding - "I'm on the line with another reporter discussing this very issue, let me finish up with her and I'll get back to you." Meanwhile, I read the pleadings which we did have in the office, and the account in the Chicago Tribune and the Chicago Sun Times (the best information I had at the time) of what the judge had done and I devised the safest sound bite I could come up with and then I began returning calls.

I relate this story because it typifies the life of a Regional Counsel at MALDEF, You give up control, You may plan to spend the day writing a brief or returning phone calls or meeting with staff members but something completely outside of your control happens and you **MUST** respond. For this reason it is difficult to talk about typical days but I believe that going through my schedule for a given week will give you a flavor of the many aspects of the job.

September 6, 2000 - 12:00-1:00 - Attend Hispanic Lawyers of Illinois Membership Meeting

1:30-2:30- *Gratz* Litigation Conference Call



This should give you an idea of what to expect as a Regional Counsel. It is a very demanding but also a very exciting job. To be in a position where you can effectuate change and work for something that you believe in with like minded people is truly a gift.



*Kary L. Moss  
CUNY School of Law '87  
Wasserstein Fellow '98-'99  
Executive Director  
American Civil Liberties Union of Michigan  
Detroit, MI*

As the Executive Director of the ACLU of Michigan, a position I have held for two months, I am responsible for this ACLU affiliate dedicated to protecting the Bill of Rights I supervise three professional and three support staff who work in the legal, legislative, administrative, and public education programs. The ACLU's success turns on many factors developing and maintaining trust with the 60-person board of directors, which requires that they be adequately informed, especially about financial and policy matters; working with ACLU branches and chapters located around the state to ensure a strong grassroots component to the organization and consistent implementation of ACLU policy; creating programs that excite our membership and generate new membership; making sure that the legal, legislative and public education programs are coordinated and working towards the same goals and objectives; communicating effectively with the media; and diversifying our financial base.

The Harvard Wasserstein Fellowship Program asked me to discuss a typical day in my life; a typical week is easier because no day is the same. Generally, I spend about an hour a day using e-mail, which is the fastest and cheapest means of expression, to communicate with my board and staff (who often are not in the office every day). I try to meet with each staff member at least an hour a week and schedule one staff meeting a week as well. I generally have to give one speech a week or participate on a panel of some sort and I usually try to devote several hours to prepare for those. In any week we will generally obtain a court decision in one of our cases which then involves reviewing press releases drafted by my staff, handling media calls and television appearances, and discussing strategy with the Legal Director. When the state legislature is in session, I am frequently on the phone several times a day with our Legislative Director, discussing proposed amendments to bills that we support or oppose I also try to find several hours each week to read Supreme Court cases, any new significant court decisions involving civil liberties around the country, and news articles of interest.

At the same time, I spend a good deal of time on administrative matters. Each week I review bills, financial reports, and supervise bookkeeping activities. The fall is the time for our annual fundraising drive, so I spend some time each day making phone calls asking for money, talking to fundraising committee members or the Development Director about the progress



of board members who also solicit donations. I always have a foundation funding proposal that is in progress; writing these proposals helps me think through program development generally.

In addition, I am in informal contact with other ACLU affiliates around the country and the national office in New York, discussing programs, membership recruitment strategies, and internal ACLU issues I work formally and informally with other non-profit organizations in the state, and each of my programmatic staff is generally involved with several coalitions at any given time.

A good deal of my job involves travel. I live about forty minutes from the main office in Detroit; our second office, which is in Lansing, is about an hour away. I frequently attend ACLU branch or chapter board meetings which are held in the evening. In addition, there are numerous board committees, including Policy Development, Endowment, Legislative, etc, and I try to attend occasional meetings of each, any of which may be located within an hour or two from my office or home. Every other month I must attend a board meeting on a Saturday in Lansing, also about an hour from my home. On the other months, I have an executive committee meeting in Lansing, also on a Saturday.

In the meantime, I have to juggle my 8 year old daughter's busy schedule. I get her off to school each morning and then go to work. I am usually home by 6:30, unless I have an evening meeting. We play, do homework, practice the piano, make and eat dinner, wash the dishes, straighten the house, read, feed the cat and hamster, take a walk, get an ice cream, arrange play dates, or whatever. After I put her to bed I usually get online, answering e-mail messages, writing notes to myself, or surfing the internet. On Sunday evenings I make out a schedule for each family member for the week, which can get very difficult because we have three different after-school babysitters along with five different after-school activities. This past month, for the first time ever, I have hired a cleaning company to come in every two weeks; this is an enormous luxury for me. Until I did this I spent most weekends cleaning the house or letting it go and living in a complete mess.

So this week I began with an 8:00 am television show, *Off The Record*, which provides an inside look at the state legislature. Since my husband had to leave early that morning as well for a court hearing, we arranged for our daughter to sleep over at a friend's house and she went to school with her. I completed a selection process for a new full-time position of Public Education Director, going through two complete rounds involving a select committee from my Board and another involving the staff. I evaluated a new bill penalizing doctors providing services in rural areas who perform abortions by denying them a tax credit available to other physicians. I worked with the staff to complete a Newsletter, which will go out to our 12,000 members and donors and bargained with the printing company to obtain a lower price. I evaluated the expenses of our Adolescent Health Project and reviewed, with the project supervisor, a brochure that we have created which clarifies the law about what health care providers in public schools can discuss about AIDS, birth control, and other sensitive issues and discussed with her nominations for an Advisory Board that will act as a resource for the project. I began setting up interviews for a new bookkeeper; reviewed materials about planned giving in order to work with the Development Director in creating a manual that will train members of our Endowment Committee in this form of fundraising; edited the legal docket for inclusion in our new Website; and spent some time working on a grant proposal for our public education program and speaking with various

board members to collect information about past programmatic successes in the chapters and branches. In addition, I reviewed course materials for a class that I am teaching on environmental justice at Wayne State Law School and corresponded with the editor of a law review about an article that I am writing dealing with environmental justice; gathered information about candidates for attorney general and the state supreme court for a candidate's panel sponsored by the NAACP that I will be on next week; and met with several state legislators and the editorial board of a local newspaper to introduce myself.

I love my job and the lifestyle although it takes a concerted effort to not get burnt out. I have learned to say no and limit my priorities. I have also become very good at delegating tasks and learning to let others complete a delegated task their own way, rather than making them conform to my style. I enjoy the balance between administrative and programmatic work; I found a life of pure litigation much too, stressful, especially with a family. I have always felt creative as a public interest lawyer and have been extremely fortunate to have jobs in which the goals of the legal work are ambitious and grounded in principles central to our democratic system. For me, this work strikes the perfect balance between public interest lawyering, political activism, and intellectual challenge.



*Elena M. Paul*  
*Harvard Law School '88*  
*Wasserstein Fellow '00-'01*  
*Executive Director*  
*Washington Area Lawyers for the Arts (WALA)*  
*Washington, DC*

EMP and Client, a visual artist, go to a contract negotiation meeting with local public transportation authority to negotiate the contract for the installation of a public art project that had been commissioned and funded by the local arts agency. Negotiations successfully resolve outstanding issues, including insurance copyright and intellectual property matters related to the project.

### **Second Annual Arts and Entertainment Law Symposium Development:**

EMP and summer associates discuss topics and potential panelists for November 10 Symposium. Topics include censorship and government funding, copyright, and other intellectual property issues. Potential panelists include prominent members of arts and legal communities, including artists, musicians, NEA employees, and academics.

### **Educational Programs:**

EMP teaches a 2 1/2 hour workshop, *Non-Profit Incorporation and Tax Exempt Status*, one of many workshops offered by WALA. Corporate steps covered include articles of incorporation, bylaws, and director action by written consent in lieu of an organizational meeting. Federal issues

covered include Internal Revenue Code Section 501(c)(3) exemption application and corresponding regulations; application for employer identification number; IRS disclosure rules; unrelated business taxable income; charitable contributions; and restrictions on lobbying. Workshop is mandatory for WALA clients intending to incorporate as a non-profit; additional attendees include attorneys and law students.

### **Grant Writing:**

EMP drafts and revises grant applications to area foundations for support for a WALA arts incubator project. The proposed incubator will offer a holistic system of business development services for artists and arts organizations. Business skills to be addressed include: writing a business plan, tax preparation, accounting, marketing and development, raising of capital, and grant-writing. The short-term goal is to equip participating artists and organizations with the necessary skills to create successful for-profit and nonprofit businesses.

### **Financial Management:**

EMP consults with bookkeeper about preparation of monthly financial statement for upcoming board meeting.

### **Arts Resolution Services:**

EMP speaks to clients about WALA's mediation process, and prepares documents for an upcoming mediation.



*Mark Rosenbaum  
Harvard Law School '74  
Wasserstein Fellow '98-'99  
Legal Director and General Counsel  
American Civil Liberties Union  
Foundation of Southern California  
Southern California, CA*

After a run or workout on a treadmill (an ideal metaphor at times), and dropping off one of my kids at school, I arrive at work, usually some time before 9:00. As everyone else who has ever been asked to describe atypical day must say, there is no such thing. So here are some typical activities:

- Researching and drafting briefs these are most often collaborative efforts, but I will frequently take first crack. Our cases most often involve novel theories, and a great deal rides on presentation and tightness of argument once the actual ideas have been hatched. Major briefs take time to find themselves, and you have to listen carefully to them to see if they are working.

I will try to cloister myself away, and if the office poses too many interruptions, I will find a law library and hide out.

- Conducting/defending depositions (and preparation). Unlike many public interest law offices, we have a strong bias toward fact-intensive litigation. This translates to devoting considerable resources to the development of evidence, with substantial reliance on depositions. We will convene strategy-planning sessions, review attorneys' preparation and then, of course, take actual depositions. I think depositions are an art form, and require the same sort of painstaking care as brief writing.
- Case development. This occurs several ways. There are client meetings and interviews, both at the office or at residences or community centers I also regularly convene or attend meetings of advocates, community representatives and experts in various areas to explore litigation on pressing civil rights and liberties issues.
- Court appearances. Our attorneys are in court a great deal. I will hide out to prepare arguments and examinations. I try to work with staff attorneys (or other public interest counsel throughout the area) to devise strategies and conduct moot arguments to anticipate questions or problems.
- Legislation and lobbying. Some part of each week is usually spent looking at proposed legislation. Consistent with our status, we provide appropriate advice where possible.
- Office management. Our office consists of six other attorneys, paralegals and legal assistants, a jail monitor (re: consent decree) and we work with cooperating attorneys from downtown Los Angeles, Century City and civil rights law firms. Much of my work involves supervision of a case docket that includes several hundred matters over a broad range of subject areas. To be effective, the supervision needs to be hands-on with, I believe considerable input from multiple sources.

I will get home in time for dinner and I try to coach many of my kids' sports teams. After reading to them and storytelling I will often come back to work for a few more hours

It is a passion-driven job, and I love it for the relationships and the work.



*Robert Rubin*  
*University of San Diego School of Law '78*  
*Wasserstein Fellow '97-'98*  
*Deputy Director*  
*Lawyers' Committee for Civil Rights of the San Francisco Bay Area*  
*San Francisco, CA*

8:15-- Leave the house to take my 14-year old daughter to her high school in the Haight- Ashbury neighborhood of the City; drop her off one block from school to ensure that none of her friends see her with her Dad; stop in the neighborhood for a caffe latte and read the SF Chronicle (to see what foreign Policy positions the SF Board of Supervisors has taken) and NY Times (for actual news).

9:00 -- Read mail and faxes that have arrived since last evening. Strategize with co-counsel re emergency stay application to Justice O'Connor in our Voting Rights Act challenge to at-large elections in Monterey County.

10:30 -- Chair legal staff meeting: review potential litigation, discuss requests for endorsement of policy positions from sister organizations, review litigation docket, discuss institutional issues such as budget, capital expenditures, etc.

12:30 -- Law firm presentation at Morrison & Foerster, a SF firm that is longtime supporter of Lawyers' Committee - seek pro bono assistance on various cases being handled by the Lawyers' Committee - generally, maintain visibility at firm which is one of our major sources of funding

2:30 -- Edit brief in opposition to government's motion to dismiss complaint in our due process challenge to new summary removal procedures that allow low-level INS officials to remove fleeing refugees immediately upon their arrival at airports

5:00 -- Prepare 6-month narrative report to foundation - foundation funding comprises approximately half of our funding with remainder coming from individuals and law firms

6:30 -- Leave office

As the father of three young daughters, I try not to bring any work home. I often violate that policy, however, during intense periods of litigation. Additionally, since many of my co-counsel work on the East Coast, I sometimes have to take phone calls at home early in the morning. I try to compensate for these "intrusions" on family time by participating in school class trips and coaching my 11-year old on the school basketball team.



*Kevin Ryan*  
*Georgetown University Law Center '92*  
*Wasserstein Fellow '00-'01*  
*Director and General Counsel*  
*Covenant House, Youth Advocacy Center*  
*Newark, NJ*

I thankfully do not have a typical work day, but I do have typical work weeks. In any given 5 days, I divide my time between our sites in Atlantic City and Newark. Those cities are 120 miles apart and we serve different populations in our crisis residential centers. The kids in Newark are mostly throwaway, push-out and runaway teen-agers from inner-city Newark. They are mostly African American, though there are a handful of Latino youth as well. In Atlantic City, our kids hail disproportionately from communities of color, but there are significant pluralities of White youth, too, and youth who have come to this resort-community from distant cities in search of adventure. In both locations, the Youth Advocacy Center is housed within Covenant House's shelter and is staffed by a director of legal services (including HLS alumni Jacqui Steadman-in Atlantic City). I meet with them weekly or bi-weekly for supervision.

My own projects are systems-based, rather than representational, so I spend a significant amount of time in collaboration with other youth advocates implementing our advocacy agenda. I believe strongly in public-private partnerships and have developed a career focused on non-litigation strategies for public interest lawyering. There are five enterprises, I think, in well-planned advocacy work: researching, drafting, grassroots coalition building, lobbying and communicating through the media. In any given week, I am engaged in a component of this work on a particular advocacy initiative, depending on the context of the project. This may involve the unexciting - but critical- task of reading and researching or the more charged experiences of meeting with policymakers and media personalities.

I am also a fundraiser, both for the Youth Advocacy Center and for Covenant House New Jersey large. Each year, I am expected to raise approximately \$1 million to fund ongoing work and new projects. I allocate a significant amount of time to strategic planning around our income work and have come to recognize these endeavors as critical components to successful public interest entrepreneurship.

The key to success is planning and I spend significant time each week planning, refining plans and making decisions that will advance the interests of the Center, the agency and our kids. My latest project is to launch a transitional living home for 6 adolescents in Newark and attach that home to the rich array of legal and advocacy services available in the Youth Advocacy Center. These meetings with program developers and grant writers, as well as with program specialists, forge through collective thinking our next steps. I enjoy working with an interdisciplinary team and consider it the single greatest gift and challenge of my career.

We are launching two exciting new legal outreach projects this year for immigrant foster children and un-represented foster care teen-agers. Because these projects offer services not yet systematized in New Jersey, our adventure is not just to represent young people, but to identify forums for advocacy and partner in judges and bureaucrats. This is exciting work, but it is not

without its challenges. I focus a lot of my time on negotiating the pratfalls of our efforts to be innovative.

For the first time in six years, I will not teach this fall or spring. Instead, I have committed to provide technical assistance to two worthy projects that have long interested me. At Advocates For Children in New York City, I will consult with the lead team on their efforts to improve educational services for foster children; at the Garden State Coalition in Newark, I will consult with the lead team to study the connection between foster care and homelessness in New Jersey. Those projects will together extract approximately eight hours each week from my day.

Finally, I am on the cusp of completing a law review article- five years in the making- on the parameters of substantive due process liberty for foster children. I hope to finish my final edits of the piece by November and will probably allocate 3 hours per week on the article until that time. All in all, mine is a varied and always interesting work.



*Kay Slaughter*  
*UVA School of Law '86*  
*Wasserstein Fellow '98- '99*  
*Environmental Attorney (Formerly City Mayor)*  
*southern Environmental Law Center*  
*Charlottesville, VA*

There is no typical work day! As I begin a new era of my life - without daily involvement in the political life of the city - my work life is changing drastically.

Up to July 1, 1998, my Mondays were usually punctuated with calls (and e-mails) from city staff and constituents about City Council issues to be considered on Monday evenings. Almost every day I had a lunch meeting, speaking engagement or evening meeting where I was expected to listen to the people's business. Time was reserved each Friday to meet with the City Manager and each weekend to go through mail, reports, memoranda, respond to mail on behalf of council and get ready for the upcoming week's meetings and activities. And at the same time, throughout the week, I was working full time at the Southern Environmental Law Center (SELC).

At SELC my work is focused on environmental issues in Virginia, and I work with organizations in the Virginia Conservation Network to accomplish our mutual interest in protecting the natural environment. Currently I am working to stop industrial hog production from polluting state waters, to prevent the largest destruction of wetlands in Virginia history and to help protect and preserve Virginia rivers. I also have administrative responsibilities to develop, with our communications coordinator (a non lawyer), a communications strategy (both public relations and education) for the organization. From time to time, I am also asked (along with the other lawyers) to help edit Foundation grant proposals and to draft reports to Foundations on work we have

completed under existing grants. All the attorneys participate in resume review, interviewing and selecting summer interns. We also participate in the interview process for other attorneys.

Each day I receive a number of phone calls and e-mails about new or ongoing projects that the Center is either considering or is involved in. When I arrive each morning, I check both my external e-mail and my inner-office e-mail service to see what messages have been left. I usually return as many calls as possible during the first two hours of the morning; go through the mail and any other papers on my desk; attend any inner-office meetings that may have been set up; and tackle the priorities for the day (or week) that have been decided in advance.

The priorities usually involve either reading background material for a project I'm working on and/or drafting a document - internal memo, letter, comments, or brief - for an upcoming deadline. I may meet with an intern to give an assignment or to review work that has been done by the intern. I also do some of my own research so the time may be spent pouring over CFRs or looking at the Virginia Code.

(Every week or two, I have to travel to Richmond, VA for meetings or hearings on legislative or regulatory matters, or to meet with members of partner groups relating to issues on which we're collaborating.)

By noon, I'm ready for lunch, and as mentioned, until recently these were almost always business or semi-business lunches. Now, I'm consciously trying to seek out friends to enjoy a meal together with NO business discussions.

After lunch, I usually take some more time to follow up on any new phone calls or those from people I couldn't reach earlier. I then try to focus on a project (maybe continuing the one started in the morning or working in tandem on another priority) for a couple of more hours.

Toward the end of the day I review the mail that has come in, try to sort through a few more items in my continually full in-box and get my mind set for the next day's projects.

When there are deadlines, I may work into the evening or on the weekend (when phone calls do not interrupt). I frequently have meetings on the weekends.

I was glad I served in the political arena, and believe that I made a contribution to my community, especially in the areas of historic preservation, river protection, downtown revitalization and educational alternatives for youth.

Now as a public interest environmental attorney, I have the reward of seeing that my legal work has contributed to preserving or protecting some natural feature of our world. I am not wealthy in a material sense but my salary is adequate to accommodate a life with a beautiful home, all the books I can read, a month's worth of vacation a year, and a sense of a job well done.





## LEGAL SERVICES

*Jonathan D. Asher  
Harvard Law School '71  
Wasserstein Fellow '96-'97  
Executive Director  
Legal Aid Society of Metropolitan Denver  
Denver, Colorado*

One of the best things about my position as Executive Director of the Legal Aid Society of Metropolitan Denver is that I do not seem to have a typical day. I am rarely bored and only some administrative tasks are overly repetitive, routine and less than interesting. Therefore, I thought it might be most helpful to simply detail my activities during three consecutive days in late January.

### **January 22, 1997**

7:30 a.m. Arrive at office, review administrative matters and edit and revise correspondence. Leave correspondence with Rita Young, Administrative Assistant, for retyping.

8:00 a.m. Attend Colorado Bar Association Family violence Task Force steering Committee meeting, and as Subcommittee chair, report on the activities on the Availabilities of Legal Services subcommittee of the Task Force.

9:45 a.m. - Meet with Chris Northrup, Colorado Bar Association staff person responsible for the Association's support of SB 73, a bill pending in the Colorado legislature which would provide \$1,000,000 for civil legal services for victims of domestic violence.

10:00 a.m. - Attend meeting of the Colorado Bar Association's Ad Hoc Committee on Pro Se Divorce Clinics. The Committee, made up of representatives of the Family Law Section of the Colorado Bar, the Public Education Committee of the Denver Bar Association, representatives of the Colorado Women's Bar and others attempting to design and reinstitute clinics which would train and assist individuals seeking to file dissolution of marriage actions without the assistance of legal counsel.

11:30 a.m. Call the office from the Colorado Bar Association to check voice messages and to speak with Rita Young, Administrative Assistant, concerning a number of administrative matters.

11:40 a.m. Call Ed Kahn from the Colorado Bar Association concerning scheduling a meeting to discuss the activities of the Judicial Advisory Council (30 member Committee appointed by the Chief Judge of the Colorado Supreme Court) Legal Services Working Group and discuss meeting agenda.

11:45 a.m. - Meet with Charles Turner, Executive Director of the Colorado Bar Association, concerning pro bono activities of the Colorado and Denver Bar Associations and a number of Bar Association and legal services matters.

12:00 noon - Attend the Colorado Bar Association's Availability of Legal services Committee and report on recent Legal Services Corporation activities including litigation challenging LSC restrictions, competitive bidding, the pending State funding bill and other legal services matters.

1:30 p.m. - Meet with Meredith McBurney, Executive Director of the Legal Aid Foundation of Colorado and the Colorado Lawyer Trust Account Foundation, (the Colorado Interest on Lawyer Trust Account program) concerning the state funding bill (SB- 73), the search for her successor, possible merger of the three federally funded legal services programs in Colorado and other fundraising and legal services matters.

2:30 p.m. - Return to office, review mail, edit and revise correspondence, sign checks and review messages with Rita Young.

3:00 p.m. - Review letter for Manuel Ramos, Deputy Director/ Director of Litigation, to be sent by the Director of the Head Start Program.

3:15 p.m. - Meet with Maureen Farrell, former staff attorney, concerning status of state welfare reform legislation.

3:45 p.m. - Telephone call with David Powell, President of the Sam Cary Bar Association (the Colorado Association of African-American attorneys), concerning it's appointment to the Board of Directors of the Legal Aid Society.

4:00 p.m. - Call from Julie Clark, Deputy Director and lobbyist for the National and Legal Aid and Defender Association in Washington, D.C. concerning Legal Services Corporation matters and the upcoming American Bar Association meeting of the Standing Committee on Legal Aid and Indigent Defendants.

4:15 p.m. - Call to Guy Lescault, at the National Legal Aid and Defender Association concerning statewide legal services planning activities.

4:30 p.m. - Meet with Mary Catherine Rabbitt concerning health related issues including the submission of the plan to convert Blue Cross/Blue Shield from non-profit to for profit status with the Colorado Insurance Commission.

5:00 p.m. - Meet with Rita Young concerning administrative and staff matters.

5:15 p.m. - Review administrative memos, revise correspondence and shuffle papers.

5:30 p.m. - Leave office for home.

## **January 23, 1997**

6:15 a.m. - Arrive at office, make coffee, dictate administrative correspondence, revise and edit correspondence and read administrative memos concerning national legal services matters.

7:45 a.m. - Leave for breakfast meeting with Director of Girl Scouts Mile High Council and Catholic Charities to discuss United Way issues, administrative and other community and non-profit management issues.

9:30 a.m. - Meet with Sally Maresh, Director of the Student Law Office at the University of Denver College of Law, concerning presentations and materials for panel on unmet legal needs, mandatory pro bono at the law school and related issues sponsored by the Public Interest Law Group scheduled to be held at the law school on February 28, 1997.

11:30 a.m. Call to Ted Zerwin, Executive Director of the Arthritis Foundation, to reschedule attendance at a class he is teaching at the University of Denver Graduate School of Social Work, due to a conflict created by the need to attend a Senate Judiciary Committee hearing on SB-73.

11:45 a.m. - Check voice messages, return miscellaneous calls and leave a number of voice messages.

12:00 noon - Return call to Karen Meyers, Executive Director of the Legal Aid Society of Albuquerque to discuss a variety of grant issues, personnel matters and program procedures with her.

12:15 p.m. - Call from Meredith McBurney concerning possible testimony at the Senate Judiciary Committee Hearing on SB-73.

12:30 p.m. - Review and read mail, revise and edit correspondence and read various staff memos and related materials.

12:45 p.m. - Lunch with Mary Ricketson, Director, and Elizabeth Arenales, Staff Attorney, with the Colorado Lawyers Committee, concerning school finance, welfare reform and Colorado Lawyers Committee resource and law firm recruiting issues.

1:45 p.m. - Call to Barbara Williams in Leadville office of the Northwest Colorado Legal Services Project requesting data and client service information.

2:00 p.m. - Revise and edit administrative correspondence. Review financial reports.

3:00 p.m. - Return call to Susan Condorff with the personnel firm of Issacson and Miller in Boston, Massachusetts concerning the search for a new President of the Legal Services Corporation and speak with Mary King concerning the search for an Executive Director of the Bazelon Center (Mental Health Law center) in Washington D.C.

3:30 p.m. - Xerox material, file and chat with staff at Xerox machine.

4:00 p.m. - Meet with Pat Richmond, President of the United Legal Services Workers of Metropolitan Denver and paralegal in the Family and Children's unit of the program, concerning personal and union issues. Discuss priorities for budget allocation and future salary negotiations and her mother's serious illness.

4:30 p.m. - Meet with Rita Young to discuss miscellaneous administrative and staff matters.

4:45 p.m. - Attend Denver Bar Association Legal Services Committee meeting attended by number of public relations directors with the largest Denver law firms to discuss pro bono recruiting efforts and changing the name of the Thursday Night Bar (the pro bono program sponsored by the Denver and other Denver Municipal area Bar Associations).

6:00 p.m. - Review memos, revise and edit correspondence and shuffle papers.

6:15 p.m. - Call Zachary (15 year old son) to ask him to start boiling water for pasta. Shirley (wife) is having dinner with a colleague and friend in Boulder. Tell Zach that, as promised, I will be home by 6:30 p.m.

### **January 24, 1997**

6:10 a.m. - Arrive at office and make coffee.

6:15 a.m. - Revise and edit memo for distribution to the Colorado Lawyers committee Welfare Reform Task Force.

6:45 a.m. - Revise and edit memo (suggest changes) to be sent by David Butler, Chair of the Board of Directors of the Legal Aid Foundation of Colorado to all of the members of the Boards of Directors of the legal services programs in Colorado concerning the state funding bill and related fundraising issues.

7:45 a.m. - Revise and edit miscellaneous administrative correspondence.

8:00 a.m. - Meet with Chris Rowe, senior staff of the Housing and Information Referral Services, concerning efforts to increase affordable and decent housing for the poor in Arapahoe and Douglas Counties.

8:45 a.m. - Meet with Greg Alston, Controller, concerning budget assumptions, cost estimates and various salary projections for 1997.

9:00 a.m. - Meet with Rita Young concerning various administrative issues and tasks for the day.

9:15 a.m. - Meet briefly with Meredith McBurney concerning state funding, program merger and related issues.

9:30 a.m. - Attend meeting of the Judicial Advisory Council Legal Services Working Group to discuss the mission and possible tasks of the Working Group. Meeting at Ed Kahn's office attended by Ed, Woody Garnsey, Professor Gene Nichol and Judge Daniel Taubman.

11:30 a.m. - Return to office, review fiscal matters, approve disbursement vouchers and sign numerous checks.

12:00 noon - Review and read mail.

12:15 p.m. - Return phone call to Pat Craig, Director of the Northwest Colorado Legal Services Project, concerning the Title III Grant documents for Moffatt and Rio Blanco Counties and initiatives in increase pro bono participation in Pitkin County.

12:30 p.m. - Leave message for Adele Phelan, President of the Clayton Foundation concerning Head Start correspondence and Head Start legal matters.

12:45 p.m. - Meet briefly with Janet Perriman concerning Family and Children's Unit issues and prepare for the paternity establishment meeting with official and consultant for the state project.

1:00 p.m. - Speak with Andrea Faley-Gaisford, one of the program's Co-Directors of Volunteer Services, concerning her request for a reference supporting her application for a scholarship to attend law school at the University of Denver.

1:15 p.m. - Meet with state official and consultant concerning possible funding for a custody project to help increase paternity establishments for single unwed mothers who give birth at Denver General Hospital. Discuss a variety of legal impediments to obtaining custody orders and obstacles to the establishment of paternity. Suggest and discuss possible solutions.

3:30 p.m. - Check voice mail messages and return miscellaneous calls.

3:45 p.m. - Return call to Lois Wood, Managing Attorney of the Land of Lincoln Legal Services office in East St. Louis, Illinois, to discuss possible pro bono projects to be sponsored by the General Practice section of the American Bar Association and initiatives she might suggest at an upcoming ABA meeting.

3:50 p.m. - Meet with Jim Dean, Staff Attorney, and grant approval of his request to advise and, if necessary, represent applicant for services whose income slightly exceeds eligibility guidelines.

3:55 p.m. - Speak with Peter Komlos-Hrobsky, supervisor of the Health and Elderly Unit, concerning a variety of unit activities and issues.

4:10 p.m. - Speak with Cassie Del Asanto on the staff of the Pro Bono Center of the American Bar Association and discuss plans for the Annual ABA Pro Bono Conference in March and determine who might speak on a panel concerning the Colorado Lend-a-Lawyer (rural volunteer lawyer) Program.

4:20 p.m. Meet with Stephanie Clothier, a National Association of Public Interest Law (NAPIL) Fellow working with Catholic Charities on welfare reform issues, concerning possible funding options for next year when her NAPIL Fellowship will be significantly reduced.

4:30 p.m. - Meet with Manuel Ramos, Deputy Director/Director of Litigation, concerning submission of Americorp grant proposal.

4:40 p.m. - Speak briefly with Lynn Thompson, legal secretary, concerning client trust account procedures she should use to retain a check for an ill and hospitalized client.

4:45 p.m. - Speak with Rita Young, Administrative Assistant, concerning preparation of annual Mile High united Way reports and the schedule for review and completion of the documents.

5:00 p.m. - Revise and edit administrative correspondence and prepare attachments for mailing.

5:20 p.m. - Return telephone call to Carolyn Worrell, former Director of the Nevada legal services program and the Pennsylvania state support program and current consultant to the Legal Services Corporation. She requests that I be a reference for her and support her application for the position of director of the Management Information Exchange (a membership organization of managers in legal services programs which provides training, technical assistance and support to managers of legal services programs). Had lengthy discussion on the need for increased collaboration among the various national legal services organizations as opposed to the wishes of some for increased staffing for existing organizations.

6:10 p.m. - Call to Shirley concerning plans for the evening.

6:15 p.m. - Review administrative matters and shuffle papers.

6:30 p.m. - Leave office for home.



*Mikkel Jordahl*  
*University of Arizona School of Law '88*  
*Wasserstein Fellow '00-'01*  
*Director*  
*Coconino Legal Aid/DNA People's Legal Services*  
*Flagstaff, AZ*

8:05- 8:15      Come in to work, say hello to co-workers

8:15- 8:40      Organize work schedule, clear off desk, clerical things, check e mails

- 8:40- 9:00 Discuss tribal court criminal case with tribal court advocate, discuss motions in limine and jury trial procedures and trial strategies.
- 9:00- 9:30 Meeting with two members of support staff to help resolve personal conflicts.
- 9:30- 9:40 Walk down to comer with one support staff member and get coffee
- 9:40-10:45 Emergency new client intake. Mom with black eye and three kids in toe. Meet with domestic violence paralegal, assess danger to client, start Order of Protection papers. discuss housing safety, long term options. Leave her with paralegal.
- 10:45-12:00 Navajo Nation Judicial Conduct Commission case. Meeting With client who was sexually harassed by Navajo Nation judge. Calls to other women complainants. Preliminary research on writ of mandamus to Navajo Nation Supreme Court. Start preparing for Sept. 1 hearing.
- 12:00-1:00 Walk home for lunch, take a ten minute nap. Feed cat. Walk back.
- 1 :00-1:20 Prepare flyer for Fair Housing Seminar.
- 1:20-1:50 Review State's Petition for Special Action in AZ Court of Appeals in case pitting Native American religious beliefs in prohibition against using body fluids against State's request for mandatory genetic paternity testing.
- 1:50-2:00 Take phone call from-DNA Executive Director in Window Rock.
- 2:00-3:15 Finish weekly staffing meeting where all new cases for the week are discussed. (Typically 30-40 cases per week).
- 3:15-3:25 Call from Women's Shelter in Page, Arizona to discuss a case.
- 3:25-3:40 Start employee evaluations.
- 3:45-4:00 Pre- Trial Conference in divorce case where child was abused by mother's boyfriend.
- 4:00- 4:10 Catch my breath. Walk around the block.
- 4:10-5:00 Prepare for client meeting in Birdsprings (one hour east on Navajo Nation). Case involves the rebuilding of 37 defective government financed homes in negotiated settlement with Navajo Housing Authority.

*Occasionally, I attend evening meetings. Typically this occurs once every two weeks or so. Our office culture promotes the idea that work is only one part of our lives, and we really do attempt to work not much more than forty hours per week.*

5:00-9:00 Meet county supervisor and drive out to Birdsprings together along with our two boys. Participate in Navajo invocation, listen to clients (half in Navajo which I do not understand): see how relocation plans are going ending rebuilding, eat fry bread and brief clients on pending legal issues.



*Neil McBride*  
*UVA School of Law '70*  
*Wasserstein Fellow '95-'96*  
*Director*  
*Rural Legal Service of Tennessee*  
*Oak Ridge, Tennessee*

**7:25am.** Leave home. Drive a mile to a state legislators' breakfast meeting. Listen to Morning Edition. I wish I had left a little earlier, so I could clean up my desk before the meeting, but I helped the kids get ready for school. My office is only a few blocks beyond the newspaper office. Living close to work is something I try not to take for granted.

**7 :35am.** While the state legislature is in session, the League of Women Voters invites local legislators to a meeting every two weeks. About two dozen people usually attend. I go to see people in town I need to see, and because I am usually the only one who asks about poverty issues, such as Medicaid and AFDC. This month, the Tennessee Bar Association is promoting a bill to raise the filing fee in civil cases to fund the eight legal services programs in Tennessee. After the meeting, I walk with a member to his car and ask him to cosponsor the bill. He says he will.

[Unexpectedly, the bill passed, and will replace about one-third the money we lose from LSC next year.]

**8:30am.** I park near the office, which is in a old-fashioned, small town row of shops, and go to a coffee shop a few doors down the street. The shop is new, owned by a friend, and serves espresso and cappuccino and homemade pastries. I can pretty much tell who's in the shop by the cars parked outside.

I work with a federally funded legal services program that serves the Appalachian coal fields of East Tennessee. I organized the firm and have worked in this building since 1978.

Read Saturday's mail, which is undistinguished but includes the usual stack of urgent calls to actions from advocates in Washington, alerting me to apocalyptic consequences of several pending House bills.

Visit around, and ask people about their weekends, and answer some of the mail.



**9:00am.** Call from the Florida Bar Foundation, asking me to do an on-site assessment of a legal services program next month. I often do on-site visits for LSC and IOLTA programs in Florida and Massachusetts. I accept. I can use the money, the programs seem to like my advice, and I usually learn something to do (or not do) in our firm.

**9:15am.** Review and sign off on a case one of our staff attorneys, Lenny Croce, left in my box. Actually, he left only a very, very small portion of the file, which takes up six feet of shelf in our central file room. Brewster was a state-wide class action challenging Tennessee's failure to comply with federal Medicaid rules that were supposed to guarantee a certain level of access to prenatal care and OB services. Hogan and Hartson and the NAACP co-counseled on the case. We settled after Tennessee adopted a sweeping Medicaid reform package that mooted many of our claims. We were deeply involved in planning for infant and maternal services under the new plan. Although we didn't get a formal decision, we are proud of the effort and the results.

**9:35am.** Today's mail arrives, and includes:

- A report from our legal services lobbyist on developments in Washington;
- a draft of a letter from a spouse abuse shelter board to a staff member they want to terminate for misconduct. This is one of those rare clients who ask for advice before they do something. I love it. I dictate a comment that will reduce their exposure if the employee challenges the termination.
- CLE program announcements from two of the three state bar associations I belong to, offering programs on a cruise ship in Alaska and a ski resort in Colorado;
- a conference call agenda from NAPIL. I like this group a lot. They have given us two law students this summer and I'm helping them plan national training for their Summer Rural Fellows .
- a notice from the IRS, acknowledging receipt of an application for tax exempt status I submitted on behalf of a child care program.

Before I leave the mail table, I look at local papers from the seven counties we serve, to see who ran the press release we wrote last week advising people about their eligibility for Earned Income Credit.

**9:50am.** While I'm reading mail, our receptionist asks about a client on the phone who needs help enforcing a support order against her ex-husband.

This office has three staff attorneys to cover seven counties where over 50,000 are eligible for our services. We have adopted fairly narrow priorities, and try to do a good job on cases that can make the most difference. One of the hardest things about our work is making humane and realistic choices about what kind of cases to handle. Another organization exists to enforce support orders, so we don't do those cases.

The receptionist knows we don't handle support enforcement. She also knows the client was referred by a judge we respect. We do not take the case, but I call the judge and tell him about a referral we are making, and how we'll follow the case. He is not happy but seems to understand.

**10:00am.** I finish editing letters I wrote last week to our U.S. Senators and the three congressmen from our area. I'm sending them a new pamphlet we prepared on TennCare that I expect their local field service reps can use. Both senators and two of the three congressmen in our area are new conservative members. I want to make sure that they don't think we spend all our time filing class actions for people who need Medicaid-funded sex change operations, or keeping drug dealers in public housing, which are the standard charges that our opposition trots out every time a funding or authorization bill comes up.

**10:30am.** Lenny asks me about strategy in a special education case. Lenny is one of the most effective legal services attorneys in the country . He's won a case in the U.S. Supreme Court and dozens of complex cases in federal circuit and appeals courts, and he doesn't mind interviewing the emergency client that comes in on Friday afternoon. I don't mind saying that I am proud when he asks my advice. He, and most of our other attorneys and support staff, are people I look forward to working with each day. As director, much of my professional satisfaction must come from the work of other people, from having created a firm in which they can work effectively. But I also enjoy working directly on cases when I can.

We also discuss our strategy in negotiating a fee award in a state-wide class action he won on appeal before the Sixth Circuit, which changed the standards that determine when certain disabled widows are eligible for benefits. A district judge then awarded fees of \$65.00 an hour, which was a deliberate insult. Lenny usually gets \$125 or more.

This kind of insult is much less common than it used to be. Lenny teaches at the UT law school occasionally, and has deep professional respect from almost every attorney who's worked with or against him. But the assumptions people have about legal aid lawyers are sometimes discouraging.

We appealed the fee award back up to the Sixth Circuit, which told the district court to take another look at prevailing rates. The time spent on the second appeal has been added to our original request. HHS is now ready to negotiate rather than go back to the district court. I usually act as negotiator for attorneys fees, because opposing counsel often find it easier to bargain with me than with the lawyer who just beat them on the merits. In 1990, RLST and our seven staff attorneys ranked eighth among all legal services programs in the nation in the amount of attorneys fees awarded.

**11:10am.** Call a new community development organization that is incorporating, and discuss suggestions I had made about bylaws. They adopt the suggestions. They don't know it, but they have saved themselves a lot of trouble. Another key to being a successful legal services attorney is the ability to take pleasure in accomplishments that no one may know about.

**11:20am.** Think about kids, friends, Newt, growing old, paying bills, and about how our clients don't have a clue about what's going to happen to them when the congress finishes this session. I clean up my desk.

**11:30am.** Return a call from a staff attorney with Children's Defense Fund in Washington. CDF has bought a farm about 15 miles from Oak Ridge as a retreat and conference center. I helped

with the transaction. They had a question about buying a second parcel. I am invited to an opening ceremony in a few weeks, and look forward to talking with Marian Wright Edelman and the people she will bring down.

**11:45am.** Leave to swim at an indoor pool in our civic center, about five minutes away. If I don't go early, I might have to wait for a lane.

**1:00pm.** Microwave the lunch I brought from home, and eat in the library, reading the paper and talking a little with our accountant and a legal secretary , who have soup from a restaurant next door.

**1:30pm.** Return a call from a woman in a rural county who wants a divorce from her abusive husband. In this office, the three staff attorneys and I take turns screening spouse abuse clients. We handle divorces only if there is a threat of physical danger to the woman or a child.

She tells me that her husband came home drunk. After she complained about his waking up the child, he hit her on the head with a lamp and threw her and a two-year-old girl out of their house at three in the morning. I stay calm during the interview. What she says may or may not be true, but enough facts fit together (police reports, visit to the ER room, husband's criminal record, request for protective order) that I believe her and think she will follow through. I refer her to a shelter for counseling, make sure she's applied for AFDC and food stamps, tell her about expedited issuance (which her social worker neglected to mention), tell her about a church that might offer emergency assistance, and make sure she and her daughter are in a safe place now. I dictate a memo summarizing the interview, with my recommendation to accept if I am not present to present the case at our weekly review meeting on Wednesday. We will refer her to a private attorney, in her community, who will take the case under a contract services program we have for victims of spouse abuse.

A management expert would say I should have spent that time fundraising, or doing something else, but these interviews tell me how police and courts are handling spouse abuse in our counties, and I feel a need to show the other staff attorneys that I'm willing to share a job that no one really looks forward to. We laid off one quarter of our staff last December, in anticipation of congressional budget cuts, and our staff has not yet adjusted to its new size.

**2:15pm.** Meet with my administrative assistant about what we need to do this week and this month. Sign checks, make reservations for my monitoring trip to Florida, look at case files tickled for today. Think about kids, friends, Newt, growing old, paying bills, my burnt-out headlight, and how our clients don't have a clue about what's about to happen when congress gets through with them.

**3:00pm.** Talk with our accountant about whether we can make a new part-time worker eligible for RLST's pension plan. We can. We talk about the budget, and what we might do with the attorney fees Lenny now expects to get.

**3:30pm.** I call the managing attorney in our Cookeville office, about 90 miles away. We talk about how the attorney and paralegal we laid off last month are doing. I make plans to visit later in the week.

**3:45pm.** Call from client now living in Orlando. She asks, as she has about once a week for several months, whether we've gotten a decision in a case I argued before the Tennessee Supreme Court on December 7th, more than three months ago. In 1992, after five days of trial on the issues of abandonment and the child's best interest, a local court ordered a couple to give my client her daughter back. The other side appealed and I agreed to handle the appeal. We lost in the Court of Appeals. I appealed to the state Supreme Court, which granted certiorari. The other side got lots of extensions and the courts took a lot of time and the child is three years older and still not back with her mother and brothers. I am ashamed at how the system has handled this case, for my client and the child.

This case is more than a little ironic. We do very little family law in the office. I've handled two custody cases, both of which ended up in the state Supreme Court.

[A week later, the Supreme Court issued a decision in favor of our client. It clarified Tennessee law of custody. Before the child was actually returned to her mother, the other side had filed cases in federal court, juvenile court, chancery court, and had appealed the terms of the transfer back to the Appeals Court and Supreme Court.]

The case is controversial. The child is almost eight. She's been away from home most of her life, and says she doesn't want to go back to her mother. The case seems to fill an important need in the custodians to appear as victims, and they have relentlessly sought local and national publicity. I've turned down interviews with Sally Jessee Raphael, Montel Williams, Marie Shriver and dozens of local newspaper and TV reporters. I usually like working with the media, but in this case, we decided to do what we could to preserve the child's privacy, and we did not think it would help her in the long run to trash her custodians in public, which we could have done very effectively.

The public impression of the case is very bad. The other side has accused our client of sexual abuse that never occurred and has organized demonstrations in their favor, and are trying to get a book and movie deal out of their experience. The AP wire service sent out a picture from one rally, with a small girl holding a sign saying "There's a special place in Hell for Lantrip [the judge] and McBride." At the same time, those who know the most about the case, in the courthouse and social service agencies, have called to congratulate me.

In the office, we've decided that we would call our book Waiting for Oprah. Woody Allen would play me, and walk around saying "But we don't do custody cases. "

[After the transfer in April, the child has been thriving in her home in Florida.]

**4:00pm.** After talking with my client, I need to talk with someone about something beside law. I call home. My 14 year-old son reports on some Neil Young guitar tablature he's found on the Internet, and my 10-year old daughter reports on an injustice one of her teachers inflicted on a

classmate. My wife says I don't need to bring anything home. (I don't actually remember these conversations, but this is the kind of stuff my afternoon calls home are about.)

**4:10pm.** The director of the legal services program in Nashville calls to discuss the status of some legislation in Nashville. I tell him about my morning's conversation with our local state senator. We talk about some other state issues. He reminds me that his son, who's on the Dartmouth crew, is in Oak Ridge for spring training this week. We had Matthew over for dinner last year. I call the Days Inn and leave a message inviting him again. The place was a zoo. The desk clerk seemed amused that I thought one of the two bus loads of rowers staying there might actually get a message.

**4:15pm.** I ask the receptionist to hold my calls and start editing a memorandum an attorney in our Cookeville office has prepared in the case of Michael B., challenging the way Tennessee spends and accounts for social security benefits received by children in foster care and state institutions. This is her first experience as lead counsel in a complex federal case. She's covered the facts and legal issues very well. I try to make sure that the memo is short enough and simple enough to be understood by a law clerk with a hangover. Writing complicated things so people can understand them is one of the challenges I like most about my job. We use grammar checkers on our computers and try to keep appellate briefs at an eighth grade reading level. [After we survived a motion to dismiss, we negotiated a very nice settlement agreement in the case.]

**5:15pm.** The two other staff attorneys and all but one secretary have gone home. Lenny comes into my office to ask about two consumer cases. He knows I don't know much about consumer law, but we discuss the merits of filing in federal or state court. He mainly wants to talk. He needs to leave early - for him -- and go to a school board meeting in another county on his special education case.

**6:15pm.** Finish editing the memo in Michael B. I am the last person to leave the office. When I open the door, I look across a small parking lot, up a hill, to a neat row of three two-story dark red brick apartments. Kids are playing in a swing set in front and some parents are sitting outside with them. Although they don't look like it, the apartments are public housing. A few years ago, Oak Ridge got a \$5 million dollar grant from HUD for a housing project it planned to place in the black community. When black leaders protested the impact of the new project, the city refused to put it anywhere else and tried to give the money back to HUD.

On behalf of the NAACP and tenants on the public housing waiting list, we sued the city and HUD to enjoin the return of the money. We said Oak Ridge had an affirmative duty to alleviate existing segregation by building the new housing, and cited other obligations that arose out of the city's odd history as a federal installation involved in the Manhattan Project. The District Court dismissed our case, but the Sixth Circuit, in a very sharp opinion, ordered it to give us a trial on the merits. The city then negotiated with our clients. It agreed to build on five "scattered sites" throughout the city.

The homes across the street would not be there if it were not for our clients and our staff attorneys.

The weather is mild. A woman is hanging wash on a clothesline. I can hear the kids calling each other. This is the last thing I see each day when I leave the office.



## PRIVATE PUBLIC INTEREST FIRMS

*Joaquin G. Avila*

*Harvard Law School '73*

*Wasserstein Fellow '97-'98*

*Voting Rights Attorney*

*Private Practice and former president of MALDEF*

*Milpitas, CA*

I am a solo practitioner with a practice focusing exclusively on voting rights cases and issues. Presently, I have no staff, and rely on my computer for most of my work. Voting rights cases consist of challenges to at-large election systems and election district plans which have a discriminatory on the voting strength of racial and ethnic minorities. These cases are complex, time-consuming, and very expensive. Since clients cannot afford these cases, I have in the past financed these cases through my attorney's fees awards, grants, loans, and labor and in-kind contributions from civil rights organizations. At the moment, I am lead attorney in only one case, *Lopez v. Monterey County, California*, 117 S.Ct. 340 (1996). This case is again before the Supreme Court. The week of February 16th - 20th, I performed the following activities:

- 1.) Traveled to the FAX repair shop to pick up my FAX.
- 2.) Tested my large size ink jet color printer, to prevent the clogging of the ink lines. I have a separate color printing business in my law office, where I take computer files and print them out in a large-size format. Usually I print court-room exhibits, banners, presentation charts, restaurant menus, photographs, and whatever else walks in the door. This week I did not have any customers.
- 3.) Worked with several attorneys to prepare the Jurisdictional Statement for the second appeal in the Lopez case. I traveled to San Francisco from the San Jose area. I worked out of the office of the Mexican American Legal Defense and Educational Fund. I reviewed and edited the appendix which will accompany the Jurisdictional Statement. I called the printer to arrange the printing of the Statement and the appendix, the filing of the documents with the Supreme Court Clerk's office, and the forwarding of the documents to opposing counsel. I worked with two other attorneys to review and edit the various drafts of the Jurisdictional Statement.
- 4.) Planned out my day with a Franklin Day Time Planner. I spend about 10- 20 minutes listing and prioritizing the tasks and activities to be performed for that day.
- 5.) Went through my mail on a daily basis. I spend more time reading new cases and law-related periodicals than other mail. However, I do review each item. If legal documents arrive I make sure that if any response is due, I list the due date on my calendar and confer with co-counsel regarding the allocation of the writing and research assignments to be performed.

- 6.) Returned all calls - if possible on the same day they are received.
- 7.) Approached organizations for grants for certain litigation expenses. With respect to the Lopez case, I contacted the Impact Fund regarding a small grant to finance the costs of printing the appellate documents.
- 8.) Spent time on my Amway Distributorship. I followed up on previous calls to potential distributors.
- 9.) Maintained my office. I went to the store to secure office supplies. I filed documents into my litigation files. I listed all of my expenses for the week on my expense forms. I noted the receipt of funds into my income accounting notebook. I emptied out the trash several times during the week - food trash is emptied out the same day.





## **INTERNATIONAL**

*Peggy Kuo*

*Harvard Law School '88*

*Wasserstein Fellow '00-'01*

*Legal Officer*

*United Nations International Criminal Tribunal for the Former Yugoslavia*

*The Hague, Netherlands*

### **9:00 a.m.**

The Victims and Witnesses Unit has brought in the witness for trial. I go to check on him in the witness room with an interpreter because he speaks BCS (the politically neutral UN term for Bosnian- Croatian-Serbian). Is everything okay at the hotel? Did he have a chance to relax over the weekend? Did he have anything to add or to ask after our witness "proofing session" on Saturday? He is nervous, already smoking a cigarette. He assures me he will be fine. He shows me a piece of paper on which he has written the name of a victim which he could not remember earlier. He wants to bring it into the courtroom with him in case he forgets. I tell him that he can.

### **9:25 a.m.**

The usher escorts the witness into the courtroom. The court has granted the witness' request for protective measures so the public will not know his identity . The blinds to the public gallery have been drawn temporarily to hide the witness' entry. The panels behind the witness chair will remain throughout his testimony, and the video camera will show a digitally distorted image of the witness. He looks at me. I smile at him.

Headphones on.

### **9:30 a.m.**

"All rise. The International Criminal Tribunal for the Former Yugoslavia is now in session." The three judges file in dressed in black robes lined with red silk. They bow slightly. We follow suit. The deputy registrar calls the case. The witness makes the solemn declaration. "Ms. Kuo," the presiding judge says.

The witness is nervous, but the first few questions are meant to be simple, so he can get used to the rhythm of not-quite-simultaneous interpretation.

"Where did you live in 1992? What did you do before the war?" Then we move into the start of the conflict. "Where were you when the war started in Foca? How long did you hide in the cellar?"

"Counsel," the presiding judge interrupts, "do we really need to go into the beginning of the war again? It is legally irrelevant who started the conflict."

"That's true, Your Honor, but because this witness was a member of the Territorial Defense, the accused may claim that he was a combatant, rather than a civilian, when he was arrested and taken to the prison- camp."

"Very well, then. Please proceed."

The Trial Chambers are under enormous pressure to move cases along quickly, and we try to comply with their time-saving strategies, within reason.

"What reason were you given for your arrest?"

"I was told I would go to the prison-camp to give a statement."

"How long were you detained at the prison-camp?"

"Nine hundred days."

I ask him to describe the living conditions, the forced labor, the inability to contact family members. He answers carefully, in a measured tone, describing the daily ration of one slice of bread and a cup of broth three times a day, the efforts of the Muslim detainees to scavenge bread from the trash cans, which the Serb prisoners have thrown away.

**11:00 a.m.**

We take our mid-morning break. It is barely enough time to go upstairs to my office and check my e-mails, make a cup of tea. On the e-mail, someone has sent out a message asking about exculpatory evidence: "Do we have a duty to turn over exculpatory evidence which is in the public domain and equally available to the Defense?" A lively debate has already started among the lawyers, in which everyone on the addressee list can participate. I have a few thoughts, but they will have to wait until the afternoon. There is also a request for lawyers to participate in an indictment review, but I have to decline.

**11:30 a.m.**

Back in the courtroom. Defense counsel wants to correct something in the transcript. He noticed that the name of the deputy warden was shown on the transcript as "inaudible." We all scroll our computer transcripts to the relevant page. We agree on the name the witness gave, and the stenographer makes the correction.

I ask about the beatings at the prison-camp. "Every night guards came with lists and called out names. These people were then taken to the gate of the administrative building."

"Could you see what happened to them?"

"No, but we could hear it. "

"What did you hear?"

"Screaming. Beatings. It was horrible."

"What would you do when you heard these sounds?"

"We would cover our ears with pillows. We were terrified. We thought we would be next."

" Could you hear anything further?"

"We could hear the sound of a car outside the prison-gate. Then we could hear it go toward the bridge."

"Could you see anything at that point?"

"We could see the headlights of the car on the bridge; Then some of the other detainees heard the sound of splashes, like something being thrown into the water."

"Did you hear those splashes?"

"No, I was too scared to listen."

I show the witness a photograph taken from the room where he was detained. The usher places it on the projector so we can all see it on our computer screens. "Is this the view from the room where you were kept?"

"Yes."

"In 1992, when these beatings happened, were those trees where they are shown in the photograph?"

"Yes, but we could see the headlights through the leaves."

I ask about other beatings and go through various lists we have compiled of victims. I ask about detainees who disappeared after being taken out on the pretext of being exchanged. The witness' 21-year-old son disappeared in this way. The witness does not cry when he tells of this, the way he did when we discussed it during our interview. I conclude with questions about the effect his detention had on his health, and he describes having nightmares and waking up crying. He is matter of fact, but his testimony speaks for itself.

### **1:00 p.m.**

Lunch break. There is an e-mail from one of our investigators that a witness refuses to come testify. With the help of a language assistant, we call the witness in Sweden. The witness tells us that he is afraid to come in. He wants to return to his old house and is afraid of retaliation if he testifies. I try to persuade him, but he is adamant. After discussion with my co-counsel, we decide to drop this witness from our list.

In the canteen, some colleagues are discussing how the Trial Chambers are embracing a newly adopted Rule of Procedure and Evidence which would enable the parties to submit written statements instead of examining the witnesses live in the courtroom. "This is an infringement of the right to cross-examination," a British lawyer says. An Argentine colleague replies, "There is no absolute right to cross-examine." A German lawyer says, "The judges just want to move things along. They do whatever they want."

**2:30 p.m.**

Cross-examination. Both defense counsel are from Belgrade. They are polite and to the point. "Did you ever see the warden at the prison-camp at night when these beatings occurred?"

"No," the witness says.

Then the one question too many. "Then how can you say that he even knew what was going on?"

"He was the warden. It's his job to know and, therefore, he is responsible for everything that happened."

I look at the judges. They don't react. No one objects anymore to these kind of comments. As professionals, the judges are presumed to know when to ignore speculative answers. As they constantly remind us, "We'll decide what weight, if any, to give that evidence."

The cross-examination is brief, since the focus of the defense is on the responsibility of the defendant. We finish before 4:00, so the next witness is called in, whom my co-counsel examines. I take the opportunity to leave the courtroom briefly to "debrief" my witness.

Back in the witness room, I ask him how he feels. "Dobro, dobro," he says. "Good, good," the interpreter translates. I praise him for answering clearly and tell him that the judges listened attentively and that his testimony will make an impact. He is clearly pleased. I wish him a safe journey home.

**3:45 p.m.**

With only fifteen minutes left of court, I go back to my office. The video feed of the court proceedings is playing. The image of the witness is a mass of shifting squares. I can only make out that he is wearing a brown jacket and blue shirt. The outside world really sees so little. I imagine the witness' face as I know it, with his expressions and gestures, superimposed on the colored squares, and for a moment, I think how lucky I am to have such a privileged view of such an extraordinary process.



## GOVERNMENT – FEDERAL

*Lauri Adams*

*Harvard Law School '78*

*Wasserstein Fellow '97-'98*

*Regional Solicitor for Alaska*

*U.S. Department of the Interior*

*Anchorage, Alaska*

*The views expressed here are personal and do not represent the views of the agency or the United States.*

My day usually starts with a flurry of telephone calls and electronic mail messages from the Washington, D.C. headquarters of the Solicitor's Office regarding pressing matters of national attention that must be handled immediately.

For example, the Department is proposing legislation to resolve longstanding claims of highway rights-of-way across the federal public lands under a (now repealed) federal statute enacted in 1866 (known as R.S. 2477) that provided that the right-of-way for the construction of public highways over the public lands "is hereby granted." The law was repealed in 1976, but "vested" rights-of-way were preserved. My job, as part of a team of lawyers and policymakers for the Department, is to figure out the best way to reconcile the intent of the old, repealed statute with the realities of modern day federal public lands management. The State of Alaska has asserted hundreds of R.S. 2477 claims for primitive trails that criss-cross national parks, wildlife refuges and wilderness areas in Alaska. Virtually all are mere rough tracks used by hikers and dogsleds, but the State asserts that each of these trails could be upgraded to modern highway standards in the State's discretion and with no Federal controls. A proliferation of highways on these protected lands would create a major threat to vulnerable wildlife and other resources of the National Parks and Wildlife Refuges in Alaska.

A conference call is scheduled at 9:00 am to discuss with the Solicitor and Secretary's Office in Washington, D.C. our strategy for expanded implementation of the federal subsistence law in rural Alaska. The Department's task has been made infinitely more complicated by a recent Ninth Circuit decision requiring a federal takeover from the State of Alaska of subsistence fisheries management in portions of many river drainages in the state. The Governor's Office in Alaska is attempting to forge compromise legislation which would comply with federal law and allow the state to resume subsistence fish and game management for the whole State. The Alaska Congressional delegation has sent the Secretary a list of written questions that the Department must respond to this week.

The Secretary's Office requests a rush review of draft testimony the Department intends to present at a Congressional hearing scheduled to be held on new proposed Alaska lands legislation next week. I divide the work up among several of the attorneys in our office who have expertise in different areas of public lands law.

I review the latest budget projections with my Administrative Officer at 10:30 am and we discuss ways to hold down travel expenses to ensure we have travel money available to cover a round of administrative law judge evidentiary hearings to be held in small, remote Alaska villages later on in the fiscal year. Our attorneys represent the Department's position at these hearings.

I meet with an attorney at 11:00 am to discuss a complex land exchange agreement we are negotiating with an Alaska Native Corporation in an effort to consolidate important landholdings within the boundaries of a national wildlife refuge and acquire them in exchange for less sensitive public lands elsewhere that the Corporation is interested in acquiring.

At 1:00 pm I begin the research to prepare a legal opinion for a client agency on an interesting question involving wild and Scenic Rivers management. With a few interruptions I am able to work on this matter for a couple of hours this afternoon.

At 2:00 pm a hearing is scheduled before a federal magistrate concerning a criminal misdemeanor violation of the Marine Mammal Protection Act. One of my attorneys handles the trial for the government as an appointed Special Assistant U.S. Attorney.

A Department of Justice attorney comes to the office at 3:00 pm to discuss a particularly difficult water law matter that is currently in litigation with the State of Alaska. Boundary disputes and disagreements over the ownership of submerged lands beneath rivers across the State arise with some regularity and often are litigated. For example, the U.S. just recently won a landmark case in the U.S. Supreme Court in a coastal boundary dispute with the State of Alaska that will ensure that all the barrier islands and sandspits along the northern coast of the Arctic National Wildlife Refuge will remain under federal ownership and management as part of the Arctic Refuge. State oil and gas leasing planned for just offshore the refuge may have adverse impacts on certain refuge resources, however.

At 4:00 pm I meet with the Fish and Wildlife Service to discuss concerns over the use of jet boats and airboats on sensitive refuge waterways. The noise and wake from these types of watercraft disturb wildfowl and cause the banks to erode into streams. We discuss under what circumstances the Fish and Wildlife Service may take action to regulate or restrict these motorboats in order to protect refuge resources.

At the end of the day, I prepare an brief report for the Solicitor on the status of ongoing litigation between the State of Alaska and an Indian tribal government which has now reached the U.S. Supreme Court on a petition for certiorari that has been accepted for Supreme Court review on the merits. Both sides would like the Interior Department to participate as amicus in the case.



*Kathryn Ellis*  
*Georgetown University Law Center '83*  
*Wasserstein Fellow '99-'00*  
*Deputy Assistant General Counsel for Business and Administrative Law*  
*Office of the General Counsel, U.S. Department of Education*  
*Washington, DC*

As you have probably heard from other Fellows, it's hard to describe a typical workday. The breath of my legal practice at the Department of Education is one of the major reasons why I enjoy my job. However, if you shadowed me for a week, you would find some common elements to each day:

- On average, I spend about half of each day in some sort of meeting: a presentation to the Department's Senior Officers; OGC's Monday morning Senior Staff meeting; a conversation with my Assistant General Counsel to discuss a management issue or to confer on a legal question; a discussion with an attorney or group of attorneys on an employment or Freedom of Information Act question; a teleconference with regional office staff on a sexual harassment matter; a meeting with clients in the Equal Employment Opportunity (EEO) group to discuss a legal question in a final agency decision; or a meeting with a Department-wide team, such as the Race Initiative Work Group.
- Assuming I have not been out of the office on the previous day, I receive, review, and respond to, on average, about 50 E-mails, many of which contain requests for legal advice. Technology has really taken over our practice and much of the legal advice we provide is done through E-mail messages.
- I receive several telephone calls from Department employees requesting legal advice, mostly in the areas of informal dispute resolution, equal employment opportunity, and information law. A conversation may take a few minutes or a few hours, depending on the issue. A question may raise a legal issue or trigger a series of policy questions. In counseling a client, I try to delineate what is legal advice and what, if asked, is policy advice. I also try to present as many options as I can identify for how the client could proceed. It behooves me to discuss fully with my clients the legal and policy implications of their proposed actions, because if legal problems occur later, my clients will be back in touch with us for assistance.
- As the Deputy Assistant General Counsel for my division, however, I also receive calls with questions on other legal issues within my division's practice. Because each attorney on my staff has at least one primary area of expertise, I usually need only refer the question to the appropriate attorney who responds to the call. I am fortunate to have a very experienced staff that works independently with all of our clients. Thus, a good portion of my job is managing the workflow for the division.
- Because of the breath of the legal practice in my division, I receive several calls -- either from the general public or a person in another government agency -- that have been referred

to me because the secretary who answered the call didn't know to whom to refer the call. I try my best to respond, even if only to help find the appropriate resource for the caller.

- There is at least ONE distress call from the Secretary or the Deputy Secretary's office with a legal question - anything from a copyright question to an appropriations law issue - for which they need an immediate answer. If I can't answer the question I will engage another member of my staff to help with a response.
- One of the telephone calls, E-mail messages, or a document I am reviewing will prompt me to get on LEXIS or go to the library to research the issue at hand. Many of the issues our clients raise present novel legal questions or unique factual circumstances. In addition to my own legal and factual research, I may consult with attorneys at the Department of Justice (DOJ), or some other government agency with particular subject matter expertise to help sort through a legal question. For example, the Office of Information and Privacy at DOJ provides assistance to attorneys in all of the Federal agencies in evaluating whether an agency record can be withheld under the Freedom of Information Act.

After work, I rarely go straight home. If I do not have a voluntary bar association or other meeting, I may stop off at the grocery store or run another errand. I also try to get to the Fitness Center on an evening when I don't have a 6:30 p.m. meeting; I admire, but could not join those dedicated souls who work out at 6:00 a.m.



*James Farmer*  
*Harvard Law School '75*  
*Wasserstein Fellow '95-'96*  
*Chief, Organized Crime Strike Force*  
*United State's Attorney's Office*  
*Boston, MA*

I have been asked to describe a "typical" day in my life as Chief of the Criminal Division of the U.S. Attorney's office for the District of Massachusetts. There is, of course, no such thing. One of the constant challenges, and joys, of my job is that every day is different. But the days have common elements which I will attempt to describe.

I have recently shifted "hats". From June, 1991 until January 1 of this year, I served as Chief of the Organized Crime Strike Force of the U.S. Attorney's Office. As Chief of the strike Force, I supervised eleven lawyers involved in investigations and prosecutions of organized criminal activity. In this District, consistent with priorities set nationally by the organized Crime Planning Council of the Justice Department, the Strike Force focused its principal attention on the activities of La Cosa Nostra (the Mafia), Boston's Winter Hill Gang, various Asian and Russian organized crime groups, and labor racketeering activity.



In early December of 1995, I became Chief of the Criminal Division of the U. S. Attorney's Office. (wearing two "hats" during the month of December). As Chief of the Criminal Division, my responsibilities are more diverse, as reflected in the variety of my day. Generally, I serve as the principal advisor on criminal matters to U.S. Attorney Donald K. Stern. With the invaluable assistance of a very able Deputy Chief, I oversee the activities of approximately 70 Assistant U. S. Attorneys divided into seven units : Public Corruption, Major Crimes, Economic Crimes, Asset Forfeiture, the Drug Task Force, the Organized Crime Strike Force, and the Springfield branch office. In recent years, the Criminal Division has been responsible for the return of between 300 and 350 indictments each year. Because many of the indictments are multi-defendant cases, the actual number of individuals indicted is actually hundreds higher than the number of indictments.

In addition to my direct responsibilities as Chief of the Criminal Division, I have acquired additional duties upon the resignation earlier this month of the Deputy U.S. Attorney, who had previously served as the U.S. Attorney's second in command, exercising oversight over the entire office. In the absence of a replacement, I have assumed responsibilities for matters which do not fall strictly within the purview of either the civil or Criminal Divisions. Thus, I oversee, for example, the attorney hiring process, approval of travel and training requests, and certain general and financial matters.

My day in the office typically starts early, somewhere between 6:45 and 7:30 a.m. The hours before the phone starts to ring incessantly and people begin to arrive at my door are often the most productive of the day. During that time, I can catch up on my email. Typically, the email might come from my unit chiefs (e.g. informing me of recent court developments such as jury verdicts or significant rulings in cases, comments to AUSAs of congratulation or concern from judges, or problems or disputes with investigative agencies. other units or other u.s. Attorney's Offices requiring resolution), from other U.S. Attorney's Offices or Justice Department headquarters in Washington (e.g., requesting information on cases, procedures, or problems, clarifying policies, or informing us of the latest developments in the Department's budgetary and/or furlough situation), or from other AUSAs in the office (e.g., requesting meetings to iron out problems).

The early morning hours are also useful to dig through the residual incoming mail from the previous day. I usually receive an average of around two inches of paper per day, covering a vast array of topics. That onslaught might typically include prosecution memoranda and proposed indictments (either for my personal consideration and approval or, far more typically, as already reviewed and authorized by my Deputy Chief), letters from applicants for AUSA positions in the office, academic or Justice Department studies on various criminal justice matters, memoranda or directives from Main Justice, countless informal memos from the U.S. Attorney requesting action on incoming mail, and recent criminal case slip opinions from the Court of Appeals.

My day is typically filled with meetings. Monday starts with the weekly 9:00 a.m. meeting among the U.s. Attorney and all the office supervisors (the Criminal and civil Chiefs and Deputy chiefs, the Criminal unit chiefs, the Chief of Appeals, and the Chief of Administration). That meeting reviews the significant events anticipated for the coming week and any other matters of office-wide import. other meetings concern a variety of topics. I might meet to discuss a

proposed significant (or particularly problematic) indictment with the U. S. Attorney, the Deputy Criminal Chief, the unit chief and the AUSAs assigned to the case. I might meet with the Chief of Appeals, the unit chief, and the AUSA assigned to the case to discuss whether the office should seek permission from Main Justice to appeal an adverse judicial ruling. I might meet with representatives of one or more federal or state investigative agencies to seek their commitment to anew investigation, or to discuss a conflict with our office or with another agency. I might meet with representatives of the state Attorney General's Office or one of the District Attorney's Offices to discuss a particular crime over which we both had jurisdiction, in order to avoid a potential investigative conflict. I might meet with the u.s. Attorney and our administrative personnel to discuss budgetary or staffing issues (frequent topics during the recent furlough periods and the preceding multi-month hiring freeze) or preparation for an extensive inspection of the office (conducted every few years by Main Justice). I might interview a candidate for an AUSA position. I might attend a periodic meeting of, for example, the Economic Crimes unit, to understand the matters of current concern in that unit, or I might accompany the Drug Task Force Chief to the monthly meeting of supervisors at the regional Drug Enforcement Administration office, to stay generally informed concerning pending investigations. I might be involved in planning an impending tri-state conference on youth gangs, or meetings of the Law Enforcement coordinating Council (a federal-state body).

The phone calls are constant, from innumerable sources on a varying and unpredictable range of topics. I might hear from a judge or magistrate judge concerning an issue in a case; from a reporter seeking either comment on a case or a factual answer to a question (most recently, concerning the insanity defense under federal law); from a defense attorney concerning a case pending in the office; from an official at Main Justice seeking information; from the grieving mother of a murder victim seeking a sympathetic ear; from my counterparts in other districts seeking information or resolution of a conflict; or from an AUSA or unit chief seeking someone more senior in the office to "weigh in" on a dispute.

I rely heavily on my Deputy Chief and my unit supervisors, with whom I am in frequent contact over the course of a day. The office is too large and too busy for me possibly to stay informed in detail concerning all the cases and all the issues. I rely on my Deputy Chief to review and approve most of the hundreds of relatively routine prosecution memoranda and indictments, plea agreements, and immunity requests dealt with each year. He exercises excellent judgment in keeping both the U.S. Attorney and me informed of matters requiring special care or scrutiny. My Deputy Chief and I both rely on the unit chiefs to oversee the detailed day-to-day workings of their respective units, keeping US informed of significant investigations and problems, and assisting us in carrying out office policies.

Lunch is usually business in one form or another. On most days, I eat at my desk while working, often alone but sometimes either with my Deputy chief or with other supervisors. on other occasions, lunch is an informal meeting with my counterparts in other offices (e.g., the First Assistant Massachusetts Attorney General, the Chief Trial counselor First Assistant of one of the District Attorney's Offices) to discuss matters of common concern to both our offices.

The day runs fairly long. Like the hours before 9:00 a.m., the time after 5:30 or 6:00 p.m. is valuable because the phone quiets down and there remain fewer people requiring

immediate assistance. This is often the time during the day when informal chats with the U.S. Attorney concerning pending, non-emergency issues are first possible. Likewise, this is a time when phone calls can be returned, reading done, and thinking begun. I tend to leave the office somewhere between 6:30 and 8:00, depending on the day. The briefcase is never empty.

It's a great job and I love it.



*Caroline Heck Miller*  
*Harvard Law School '79*  
*Wasserstein Fellow '94-'95*  
*Senior Litigation Counsel*  
*United State's Attorney's Office*  
*Miami, FL*

I have been asked to give a description of a "typical" workday, for the benefit of students considering careers in my field. "Typical" days are hard to identify. I've fictionalized this "typical" day, making it more varied than most, but all the matters recounted here are based on incidents that have occurred over the past few months.

I wake early; ordinarily my morning is consumed with the household routine of getting a small child to school, but this day I have asked my housekeeper to come early, hoping to get to my office by 7:30. I have a key witness in a criminal investigation coming in at 8:45, accompanied by a law enforcement officer (never meet with a witness alone), and I had wanted the extra time to finish drafting an agreement letter setting terms for the witness's cooperation and testimony. But the previous day, and on into the early morning hours, I had worried that the terms being offered were too generous, which could be both an injustice (after all, I am a prosecutor) and a strategic mistake, as juries are very susceptible to defense arguments that prosecution witnesses have gotten "sweetheart deals." The previous evening, the law enforcement officer, who wants to advance the investigation quickly, had argued persuasively that we should go forward with the witness, but now, after a night of qualms, I page him at 6:40 a.m. to tell him not to bring the witness in; I'm not in agreement with the law officers as to the terms for dealing with the witness.

Now my morning is unexpectedly free. I use the time to prepare a memorandum to the office's Appellate Division recommending government appeal of an adverse ruling I recently got from the trial judge in a case. I have already briefed the issue extensively, and most of the memorandum is a distillation of the legal pleading I've earlier filed. I prepare the memorandum with little secretarial assistance; a legacy of my journalism career is fast typing, and with my computer and a few macros for legal captions and formats, I find it more efficient to do the work myself. What I do long for, however, and find scarce in a government office, is paralegal support. The case I'm writing the memo on was a white-collar case, involving about 50,000 documents, which I and a particularly dedicated law enforcement agent had to organize, stamp, produce and digest on our own.

The memorandum is critical. The Double Jeopardy Clause of the Constitution makes it impossible for the United States to appeal most adverse decisions in criminal cases, and the Department of Justice picks and chooses carefully which of the appealable decisions it will take up to the federal Courts of Appeal. United States Attorneys' offices may not appeal to those courts without the authorization of "main Justice." Such authorization is far from pro forma. The Department of Justice is known for the high quality of its appellate litigation, and it is imperative that it take uniform stands in the different Courts of Appeal. Consequently, requests for the government to appeal receive searching inquiry in Washington, as the Criminal Division's Appellate Section and, eventually, the Office of the Solicitor General, weigh whether this issue is one that the government wants to appeal; whether this particular case presents a favorable strategic posture for the issue, which may be surfacing in other cases around the country; and whether the downside risk of making bad law outweighs the line AUSA's recommendation to correct what the United States Attorney's Office sees as a legal error.

The memorandum is finished, and I am looking forward to a Miami lunch of pastrami sandwich with cafe con leche when a (to me) young AUSA walks in to my office to ask a "quick question": That morning, law enforcement officers went to the home of an indicted narcotics dealer to arrest him on the charges; they also had a warrant to search a safety deposit bank. At the house, the defendant's wife tried to swallow the key to a safety deposit box, different from the one they had a warrant for. Now they believed that the wife had gone, or dispatched someone, to the bank that held the new safety deposit box; the government had the "wet key", and the AUSA was looking for advice. The obvious answer was to get a warrant for the new safety deposit box; while the warrant was being sought, we would speak with bank security personnel as to what might happen in the interim, should someone show up demanding access to the box, but without the key.

In the afternoon, I attend a meeting, convened by the district's United States Marshal, concerning enforcement of the federal Freedom of Access to Clinic Entrances statute, enacted in 1994 and already being tested in cases arising from abortion-clinic murders in northern Florida and Massachusetts. The President and the Attorney General have tasked United States Attorneys, United States Marshals and other federal agencies with providing vigorous enforcement under the statute, and I have been designated as my office's coordinator for these enforcement activities. At the same time, there has been a recognition that front-line responsibility for policing clinic demonstrations remains with local law enforcement agencies, and today's meeting is between local and federal agencies to discuss these issues, and plan for situations such as demonstrations, and requests for on-site security surveys and protection. It's a complex problem, as we endeavor to plan for law enforcement in an area that also touches on First Amendment rights; several of the law enforcement officers note that the list of reproductive-service providers and counselors, arguably covered by the act's protection, includes those counseling abortion alternatives as well as abortions.

Back at the office, I close out the day doing legal research on new developments in the procedural law pertaining to habeas corpus petitions. Once a defendant is incarcerated and convicted, he or she has many long hours and days to generate persistent collateral attacks on the conviction, even after appeal. But the procedural obstacles to such repeated attacks on the conviction are great, and it's a topic I like to keep current on, for as a career prosecutor I often keep litigating with "my" defendants long after they've been sentenced. Legal research settings and techniques have changed dramatically recently, as it is only within the past 12 months that I've had

a full Westlaw legal database available at my computer at my desk. Now with the ability to access, shepardize and printout state or federal case or law, and extensive other materials, at my desk, I seldom venture to our library, working more in my own office. It saves time, but cuts down on social contact. Nonetheless, the office is filled with attorneys who have an aggregate of incredible experiences prosecuting foreign heads of state, defeating multi-million-dollar civil claims, conducting jury trials of murderers, S & L barons, and bewildered drug couriers and legal knowledge; and collegial contact and discussion with these fellow AUSAs, and others around the country I've come to know over the years, is a tremendous benefit and pleasure of my job.

I leave work fairly early, because this is the evening that the Florida Bar grievance committee on which I sit convenes, once a month. We investigate complaints of attorney ethical violations, and recommend whether disciplinary action should be sought. I've become active in Bar activities only recently, following a growing concern that prosecutors are significantly under-represented in Bar activities, resulting in bar associations being unduly dominated by the defense viewpoint. The best way to address the situation, I think, is for prosecutors to make their views more known in these forums and besides, I've always liked a good fight.



*William Kenety  
Harvard Law School '75  
Wasserstein Fellow '99-'00  
Senior Trial Attorney  
Office of Special Investigations  
Criminal Division  
United States Department of Justice  
Washington, D.C.*

Up at 7 :00 a.m. My oldest son Hal, 14, will shortly be out the door on his way to the school bus stop. I shower and get dressed, then try to wake Hugh, 9. Hugh doesn't wear his hearing aids at night so waking up can be a slow process. We have breakfast with my wife Chris, a professor at George Washington University. Due to his hearing loss, Hugh gets door-to- door bus service. After it arrives at 8:00, I walk 20 minutes to a Metro station, then take a 25 minute subway ride to my office. Fortunately, the subway stops in the basement of my office building, so it's a quick trip upstairs and I arrive more or less at 9:00, much like most of the attorneys in my office.

Today is Ciurinskas "pros memo" review day. Before the office can file a case to either denaturalize or deport a "war criminal", we must prepare a prosecution memorandum and present it for approval to the Deputy Assistant Attorney General who supervises the Office of Special Investigations. (There are five such "DAAGs" in the Criminal Division, each with oversight responsibility for three or four Sections or Offices.) These pros memos often run 40-50 pages long and contain a complete exposition of the facts of the case, the applicable law and an explanation of how the Government intends to prove its case. While serving in the

Department's Narcotics and Dangerous Drugs Section (NDDS), I prepared many similar memos: same careful detail, different focus.

I have been working on the case of Kazys Ciurinskas for almost a year now. Ciurinskas was a member of the 2nd/12th Lithuanian *Schutzmannschaft* Battalion, an armed unit of Lithuanians sent by the Nazis to Byelorussia to help "keep order". While "keeping order" in the fall of 1941, the Battalion participated in the mass murder of at least 19,000 people, mostly Jews. Practically our entire case is based on captured wartime documents which detail the gruesome actions of the Battalion and establish Ciurinskas membership in it. Dr. Bob Waite is the historian working on the case with me (whereas NDDS used DEA and other law enforcement agents to build cases, OSI uses Ph.D. historians). We have searched the records for proof that Ciurinskas was not only a member of the Battalion, but actually personally participated in the slaughter. We have not found any.

Bob and I meet with Eli Rosenbaum, HLS '80, Director of the Office, and Susan Siegal, Principal Deputy Director. We all agree that the wartime documents, which will be interpreted at trial by a noted Holocaust historian, readily establish the murderous role played by the Battalion in the fall of 1941. But what of Ciurinskas' claim that the documents implicating him are forged and that he spent the war in Lithuania and never accompanied the rest of the Battalion to Byelorussia? Fortunately, several of the Battalion orders issued in Byelorussia list him as being present there, including one promoting him for "conscientious fulfillment of his duties". Even better, records have recently arrived from Germany showing that Ciurinskas is receiving a war pension from the German Government and that, in his application for that pension, he stated that he had served in Byelorussia. Eli and Susan approve the pro memo with some changes and a caveat that the key documents should be forensically examined.

I spend much of the rest of the morning reworking the pro memo for submission to the DAAG for his anticipated approval. I contact the U.S. Embassy in Lithuania to ask that they arrange for the documents to be brought to Washington by a representative of the Lithuanian Central State Archives. I also call the United States Secret Service document laboratory to arrange for forensic examination of the documents. The Secret Service will perform a myriad of tests to determine the age of the paper, the ink and the typeface on the documents and, since old ink can be placed on old paper, the likely date of creation of the documents.

Lunch at OSI is usually an informal matter around the conference room table with attorneys, law interns and an occasional historian. Since it's the start of summer, we have a new selection of interns from around the country. This year we have law students from Harvard, Yale (2), Georgetown and UCLA as well as college interns from Yale and Johns Hopkins. Today's unplanned luncheon topics include comparative analysis of sushi styles, the state of New York Yankee pitching and the wedding plans of one intern faced with the conflicting wishes of her parents and her intended's parents. No resolution is reached on any of these issues.

I spend much of the afternoon on the telephone with Dave Mackey, HLS '83, Chief of the Civil Division, in the United States Attorney's Office in Boston. Dave and I are working on an already filed denaturalization case against Aleksandras Lileikis, the wartime Chief of the Security Police (*Saugumas*) in Vilnius, the capital of Lithuania. In addition to proving

a defendant's involvement with persecution, the Government must also establish that he was not legally eligible to enter the United States and/or was not legally eligible for naturalization. To do this, we plan to call as witnesses former immigration and naturalization officials who we anticipate will testify that, had the defendant's true wartime service been known, he would never have been granted a visa or allowed to become a citizen.

Dave and I try to establish a coherent plan to interview the officials whose names we have found on the records in Lileikis' immigration file. They live in Denver, Dayton, Valley Forge, Tom's River, New Jersey and Boston. We also discuss the need to interview the few Holocaust survivors from Vilnius that we have been able to locate. Fortunately, most of them are clustered in Florida. We will interview officials and survivors both to learn information from them and also to assess their potential as trial witnesses. Ultimately, Dave and I will make what seems like a marathon witness-a-day trip, my most vivid memories of which are a positively wretched motel in Erlanger, Kentucky for which Dave has never forgiven me and our chance stumbling across the exact site of the *Hindenburg* disaster at Lakehurst Naval Air Station, New Jersey.

After speaking With Dave, I try to clean up some loose ends. I review a thorough, cogent memo written by a (Yale) law clerk on venue. As the office "Water Commissioner", I try With mixed success to collect this quarter's dues for bottled water. I meet with another OSI attorney to divide responsibility for an appellate brief due in the Sixth Circuit and for a Motion for Summary Judgment due in the Middle District of Florida. We have an office meeting to discuss procedures for translating wartime documents, seemingly a mundane matter, but one of critical importance when those documents are moved into evidence. Thus inspired, I review a veritable mountain of translations concerning the *Saugumas* and again read documents signed by Lileikis leading to the destruction of innocent Jews who were *befehlgemaess behandelt* or "treated in accordance With orders". I remember sadly that some 50,000 Vilnius Jews were *befehlgemaess behandelte*d before the war ended.

At 6 p.m. I review my "To Do" list. I haven't gotten to some discovery requests in the Lileikis case or reviewed a small stack of recent evidentiary rulings. I haven't visited the health club on the main floor of the building. I resolve to finish the Ciurinkas pros memo in the morning. An Assistant United States Attorney in St. Louis calls to tell me we've won a motion in a pending case and that seems to be an appropriate occasion to call it a day. I leave at 6:15 and am home by 7:00 with no work in my briefcase. It's the end of the school year so the boys have no homework. I alternate throwing lacrosse and baseballs after dinner, then talk with my wife and finally curl up with a 600 page biography of Benedict Arnold before going to bed.

N.B.: If you're curious about the end result, you might read United States V. Ciurinkas, 976F. Supp. 1167 (N.D. Ind. 1997), aff'd, 148 F.3d 729 (1998), and United States V. Lileikis, 929F. Supp. 31 (D. Mass. 1996).



*David Sullivan*  
*Harvard Law School '77*  
*Wasserstein Fellow '98-'99*  
*Counsel to the Senate*  
*Massachusetts Senate*  
*Boston, MA*

One aspect I (mostly) like about my job as Senate Counsel is that there is no such thing as a "typical" day. The pace ranges from the present relaxed, 9-to-5 existence of mid-August to my truly crazed 15-hour workdays during the last week of the "formal" legislative session just two weeks ago, when I was supposed to supervise the content of well over 100 bills we sent to the Governor.

I have the awesome privilege of arriving every morning at a lovely office in Charles Bulfinch's original 1798 State House; my windows (which actually open) overlook Daniel Webster's statue on the front lawn and Boston Common beyond. The modern personal computer on which I am typing this (it is equipped with the Windows NT operating system, Westlaw, e-mail, our legislative bill-tracking system and the Internet) contrasts rather sharply with the ornate 19th century bookcase, topped by a carved wooden eagle, which occupies the entire nearby wall.

I supervise a staff of ten wonderful people, including six lawyers. Our main task is analyzing over 1,000 bills considered each year by the full Senate. After we receive each bill from the House or from a legislative committee, and before it appears on the Senate calendar, we prepare a detailed summary, consider any constitutional or other legal issues, edit the bill's language for form, and draft any amendments (including complete redrafts) that we wish to recommend for policy, legal or technical reasons. In doing so, we coordinate closely with the Senate President's office, the Senate Ways and Means Committee (which does much of the work on bills that affect the state's finances, including budgets) and the 40 Senators and their staffs (over half the Senators now have lawyers on their own staffs). We also draft legislation for individual Senators and serve as the Senate's "general counsel" by dealing with such matters as ethics, personnel and occasional litigation. For example, I have written several briefs advocating the Senate President's position when the House or Senate seeks an advisory opinion from the Supreme Judicial Court about the constitutionality of pending legislation, as allowed by our state constitution.

Much of my job involves talking - with my staff, either separately or in periodic office meetings; with Senators and their staffs, either personally or on the telephone; with lawyers for state agencies or the state Attorney General; with representatives of interest groups; and even (occasionally) with ordinary citizens. It is an honor and a challenge to work for Senate President Tom Birmingham, a Rhodes scholar, Harvard Law School graduate and labor lawyer, who is really my principal "client." I attend frequent staff meetings with him and his other senior staff members, advise him on legal issues, and sometimes staff meetings that Senators or outsiders have with him.

The part of my job that I suppose I enjoy most is writing, especially drafting legislation, but it is often crowded out by my other responsibilities. I try to compensate by "assigning" to myself bills I find interesting, and then doing the detail work on them whenever my other duties allow.



Finally, when the Senate actually meets at least twice a week, my base of operations shifts from my office to the counsel's table in the 200-year-old Senate chamber. There, my staff and I examine last-minute amendments and advise Senators and the President about legislation as it is debated. I find the quality of debate in the Senate pretty high, perhaps because 16 of the 40 Senators are lawyers (although the Minority Leader often derides them as the "lawyer caucus"). The best recent instance was the four-hour debate on a bill establishing buffer zones around abortion clinics, which featured sophisticated discussion of the competing constitutional rights to abortion and free speech and assembly, including quotation from Holmes's 1919 dissent in *Abrams v. United States*. (The Senate passed the bill 26-13 on July 29.)



## GOVERNMENT – STATE

*Susan Beck*

*Harvard Law School '78*

*Wasserstein Fellow '94- '95*

*General Counsel*

*Executive Office for Administration and Finance (A&F) for the Commonwealth of Massachusetts  
Boston, MA*

I have no "typical" work day. The unplanned and unexpected is a regular part of my routine and provides a good part of both the excitement and frustration of this job. Different seasons bring different tasks. However, using my calendar of planned meetings, my diary of telephone calls (including E-Mail), and my note book, here is my best effort to reconstruct what I did the first two days of this week:

### **Monday:**

- Prepared presentation for meeting of senior coordinators in the minority business enterprise (MBE) program.
- Met with my assistant (superb non-lawyer) to discuss pending matters.
- Presented plans for communicating information about companies debarred from doing business with the Commonwealth at MBE coordinators meeting.
- Attended A&F Staff meeting. Discussion included: reform of bilingual education programs, appropriations for the school building assistance program, the Tourism Fund, group care services, and the Education Reform Act.
- Discussed requests for procurement waivers for hazardous waste removal with the Highway Department and for design services with the Central Artery/Third Harbor Tunnel Project on the telephone.
- Discussed the appeal of a labor arbitration award with agency counsel on the telephone and later with Assistant Secretary in the office.
- Reviewed question about whose signature is required on certain documents relating to Commonwealth bond authorizations at telephoned request of General Counsel in another Secretariat.
- Met with the A&F Secretary, the Secretary of Education, the Commissioner of the Higher Education Coordinating Council (HECC) and his Executive Director to discuss HECC's authority to manage the higher ed system in Massachusetts.  
(Meeting to discuss Registry of Motor Vehicles initiative canceled. I don't know why.)
- Discussed new regulations for information technology professional services procurement on E-Mail. Discussed proposed legislation for dealing with prior year deficiencies with state Comptroller on E-Mail.

### **Tuesday:**

- Attended Governor's morning staff meeting. Among topics discussed were the recently enacted welfare reform bill and the House Speaker's pending intermediate (criminal) sanctions bill.
- Attended meeting to discuss litigation in which banks are challenging the assessment of certain taxes. Our arguments are very strong but our potential liability is huge.

- Attended meeting to discuss recently filed suit challenging graduated capital gains tax. Attended meeting at the Attorney General's Office to discuss proposed amendments to an agency's regulations.
- Talked privately with Assistant Attorney General about trial and settlement strategy in a pending case.
- Took telephone call from legislator's Budget Director requesting more information on "outside sections" of Governor's budget. Agreed to provide information. Participated in conference telephone call with Governor's Chief Deputy Legal Counsel and General Counsel for the Executive Office of Labor regarding next step in a dispute with a labor union.
- Talked on the telephone with an agency head who was seeking advice regarding a critical letter she had received from a legislator.
- (Meeting with A&F Secretary and Secretary of State canceled. )
- Drafted letters to company official and counsel regarding challenge of computer procurement.
- Reviewed investigation of telephone services procurement issue.
- Received request for ethics advice from A&F agency on E-Mail.

When I am helping to prepare any of the Governor's budgets or analyzing a budget passed by the Legislature for the Governor's action (we do have a line item veto), I often spend every minute on the budget, leaving matters such as those listed above to pile up until the budget is completed. During budget season, my hours are horrendous. Sometimes I sleep in the State House. Other days are just long. There is always too much to do, but it is always varied, usually interesting or at least challenging, and sometimes even important.



*Judith Fabricant  
Yale Law School '80  
Wasserstein Fellow '95-'96  
Chief, Government Bureau  
Office of the Attorney General  
Boston, MA*

My days are so varied that none can fairly be called typical. I kept notes of my activities for two days, Tuesday and Wednesday, September 26 and 27, 1995. The murder of Assistant Attorney General Paul McLaughlin on Monday evening, September 25, and reaction in the office to that event, made these days unusual. My notes show the following:

**Tuesday, September 26, 1995:**

I arrived at 8:45. After discussion with my secretary regarding scheduled events during the day and arrangements for scheduling of various meetings over the next few days, I turned to the e-mail messages that had accumulated on Monday, September 26, when I had been out of the office. I had two screens of e-mails, some merely providing information and some requiring responses. Topics addressed included: questions from several AAG's in the three divisions in my bureau about

decisions to be made in cases; information about SJC arguments that had been scheduled for the first week of October; arrangements for scheduling of moot courts in preparation; inquiries from a division chief about filling a vacant AAG position; and messages about the scheduling of a meeting of all staff regarding the murder.

I then turned to paper mail (including internal). Items received included: several internal memos regarding decisions to be made in cases in litigation (whether to appeal an adverse decision in a case claiming age discrimination in a provision of the state public employees retirement system; how to respond to a complaint raising a strong procedural challenge to agency action; seeking approval of a settlement approach in a damages case); a letter from a state senator asking the AG to review proposed implementation by U. Mass. of a student referendum requiring funding of a group advocating legalization of marijuana; a memorandum summarizing feedback received from summer interns about their experience; a memorandum prepared by the chief of the Environmental Protection Division proposing a response by the office to a request for comments by the Nuclear Regulatory Commission; proposed comments drafted by an AAG in the Environmental Protection Division, to be submitted to the Federal Trade Commission, regarding amendments to regulations governing environmental marketing. I reviewed each piece of mail, acted on some by re-routing to others with notes, writing notes back to the senders, or the like, and put some aside for action later.

My review of mail was interrupted several times. Interruptions included: I returned a telephone call from the chief of the Environmental Protection Division regarding the process for and timing of decision-making about the NRC issue. The chief of the Public Protection Bureau dropped in. We discussed two case-related issues in which decision-making would involve both our bureaus. An AAG in the Administrative Law Division dropped in to consult me about how to respond to a motion to vacate a judgment in a case involving a dispute between a state agency and a town.

More incoming mail brought a draft answer, prepared by an AAG in the Administrative Law Division, in a case she and I are handling together; there was also a memo from the deputy bureau chief regarding possible comments on a bill pending in the legislature regarding enforcement powers of the boards of registration. I reviewed each, noted comments, and returned each to its author, having some discussion in each case.

At noon the entire staff of the AG's office convened in the Gardner Auditorium at the Statehouse for a brief meeting regarding the murder. The Attorney General spoke briefly, and a representative of the state employee assistance program gave information regarding the availability of counseling services. After the meeting I picked up a sandwich and returned to the office at about 12:45.

From about 12:45 until about 3:10, between interruptions (phone calls about some of the issues mentioned above, AAG's walking in for brief consultation on various case-related issues), I reviewed a draft brief written by an AAG in the Administrative Law Division in a case in the SJC regarding the power of the Department of Revenue to enforce past-due child support obligations through administrative methods where a court has set a payment schedule. I wrote comments on the draft addressing both style and substance, and returned it to its author.

From 3:10 to 3:45 (with a few short interruptions), I skimmed the briefs in an SJC case on which I was scheduled to participate in a moot court the following day. The case raised an issue of media access to an arraignment conducted in a hospital; we had prevailed on a motion to dismiss as moot, and the media plaintiffs had appealed from the dismissal. I had reviewed our brief when it was filed some months earlier.

I then turned to preparing for a meeting with the deputy bureau chief, Administrative Law Division Chief, and an AAG in the Ad Law Division, scheduled for the next day, regarding how we would respond to an anticipated constitutional challenge to a particularly controversial state statute. We had been warned of the challenge by a letter from counsel for the challenger to the AG, in which he contended that the law was so clearly on his side that the AG should decline to defend the statute. Several internal memos had been prepared; I reviewed the memos and the principal cases.

My preparation was interrupted: An AAG in the Administrative Law Division came in seeking advice about how to respond to a note from the AG raising questions about a case challenging an agency regulation. Several items of mail came in requiring brief response: A memo from a Trial Division AAG informed me that she is representing in his individual capacity (as defendant in a civil case alleging a civil rights violation) an official whom the day's newspaper reported was the subject of a criminal investigation by the office; I called her to discuss how to deal with the situation. A memo from a Trial Division AAG informed me of a proposed arrangement with an agency regarding the allocation of litigation expenses in the case; I sent back a note with comments.

At about 5:30 I unloaded material from my briefcase that I had reviewed the evening before and sent various items on to others with notes. I then collected materials to take home for review that evening. I left the office about 6:00.

### **Wednesday, September 27:**

I arrived about 8:30 am. I unloaded materials from my briefcase that I had reviewed the evening before, routed them to others, and turned to e-mail. Messages requiring response included one from an AAG regarding the process of decision-making on whether to appeal an adverse decision, and several commenting on the current draft of an amicus brief, written by a Trial Division AAG and being circulated widely in the office, addressing an issue certified to the SJC by the First Circuit involving construction of a statute protecting speech rights of public school students.

I turned to incoming mail. Items received included: A draft by an Ad Law AAG of a letter to our agency clients regarding an attorneys fees claim in a case he and I are handling together (we have lost on the merits in the SJC and remaining to be resolved are attorneys fees and certain issues regarding remedies); a memo from the office training committee regarding plans for a trial training program scheduled for later in the week, in which I would be a "coach"; a memo from an Ad Law Division AAG proposing an approach to a case in which we have strong doubts about our client's compliance with procedural requirements; copies of several superior court decisions received by AAG's in the bureau, being circulated for information.

From 10:00 to 11:00 I participated in the moot court in the case mentioned above regarding media access to an arraignment conducted in a hospital. The Ad Law AAG who would be arguing presented her argument to a panel including the deputy bureau chief, the bureau appeals coordinator, and me.

At 11:00, I met with the First Assistant AG about how to resolve conflicting views in various parts of the office on the position we should take in the amicus brief mentioned above.

From 11:00 to 12:30 I met with the Deputy Bureau Chief, Ad Law Division Chief, and an Ad Law AAG regarding the anticipated challenge to a statute, mentioned above.

I then went out to buy lunch, returned, and turned to e-mails and mail received. Items requiring review or response included: A request to attend a meeting with the AG and representatives of an advocacy group concerned about the effect of certain cases in litigation on services for the mentally retarded. A copy of a newly-filed complaint in a special education case, which I routed to the Executive Bureau to be logged in and then sent to the Ad Law Division for assignment A draft motion for summary judgment, prepared by an Ad Law AAG, in a case challenging regulations of the Department of Correction regarding prisoners' access to telephones; I reviewed quickly (having previously reviewed several motions in other cases challenging the same regulations), noted brief comments, and returned.

At 1:20 I turned to preparing for oral argument, scheduled for a week later, on cross motions for summary judgment in a case raising a constitutional challenge to a statute requiring the use of territories in the setting of rates for automobile insurance. I had filed the motion and supporting brief several months earlier, so preparation required review of the record, briefs, and cases, to refresh my memory . I telephoned counsel for a codefendant (an organization of insurance companies) to discuss the themes to be emphasized at argument.

From 2:00 to 3:30 I met with the chief of the Criminal Bureau and several AAG's from both bureaus to discuss the development of a plan for implementing a recently enacted statutory provision directing the AG, along with the Auditor and the Inspector General, to undertake oversight of the Central Artery Tunnel project, so as to detect and remedy incidents of fraud and waste.

At 3:30 I returned to my office. The AAG whose brief I had reviewed in the child support case came in to discuss my comments. I then reviewed a draft response to a summary judgment motion, prepared by an Ad Law Division AAG, in a case challenging a provision of the state pension law as preempted by federal age discrimination law. The issue raised is one we had for several years sought to resolve through a statutory amendment, without success. I met with the AAG handling the case to discuss the draft and the communications with legislative and agency personnel that should be made before filing.

At about 4:45 I turned to more incoming mail, including: several decisions received being circulated for information; and a copy sent to the AG of a letter from an industry representative to

the Commissioner of Public Health implicitly threatening litigation over an anticipated ad campaign. At about 5:45 I gathered materials to take home for the evening and left.



*Stephen E. Harris*  
*University of Baltimore Law School '65*  
*Wasserstein Fellow '01-'02*  
*Public Defender for the State of Maryland*  
*Baltimore, Maryland*

There is no typical day when you actively manage a statewide public defender office with an annual budget of over \$55 million, that has 430 lawyers who represent approximately 170,000 people per year.

On a daily basis, I deal with problems relating to personnel issues, personality conflicts, political, budgetary and legal problems, as well as unhappy clients and the entire State judiciary.

On any given day I will visit one of our outlying offices, or meet with legislators concerning legislation affecting the criminal justice system and our client's rights, juvenile causes or CINA (Children in Need of Assistance) cases. During the General Assembly Session, I am called upon to provide the legislature with a fiscal note on every piece of proposed legislation that effects our office or our scope of representation.

I serve on numerous commissions, committees or other groups that seem to meet daily, including the Maryland Criminal Sentencing Commission, Juvenile Jurisdiction, Women Inmates in the Criminal Justice System, Breaking the Cycle of Violence and the Baltimore City Criminal Justice Coordinating Counsel.

I meet regularly with the Chief Judge of Maryland and other members of the Judiciary to discuss matters of mutual concern. On a regular basis, I also meet with, or have discussions with the Secretaries of the Department of Public Safety or the Department of Juvenile Justice to discuss issues relating to our agencies.

At least a part of every day is devoted to the budgetary problems of the Office of the Public Defender, as there is never enough money. I monitor the costs of representation of clients to insure the cost-effectiveness of services, mindful that cost effectiveness must not have a negative impact on quality of representation provided.

Another block of time is devoted daily to administrative duties. I establish, review and modify policies, and guidelines, as well as set standards for each District and Division. Formal management meetings with agency management from around the State are held monthly at our headquarters location. These meetings last for at least half a day. There is also a yearly two day management conference at which management techniques and resources are discussed and

implemented, which increase attorney productivity with no loss of attorney effectiveness. There are daily informal meetings and electronic conversations with management to discuss problems, answer policy questions and deal with personnel matters.

I meet with the agency training staff daily to discuss the status of new lawyer training and on-going continuing legal education, as well as computer training and training for support staff. Training is conducted in each of our 42+ offices around the state and at our headquarters location, where every new lawyer is required to attend a two week training academy.

I attend two conferences each year, which are continuing legal education in nature. The spring conference is three days while the fall conference is one day. I have made training and continuing legal education priorities to insure quality representation for our clients.

I meet daily with employees of the Agency to recognize their contributions toward the success of the Office of the Public Defender, and I give awards and certificates to outstanding employees at a yearly awards banquet.

I also meet weekly with the Agency's Equal Employment Opportunity Officer to address problems and to maintain a safe, professional work environment for all employees.

After the "workday" ends there are more meetings with community groups, bar associations and other committees that last until 8 or 9 p.m. I also teach at Johns Hopkins University one night per week and Anne Arundel Community College one night per week.





## GOVERNMENT – LOCAL

*Nicole A. Gordon*  
*Columbia School of Law '77*  
*Wasserstein Fellow '98-'99*  
*Executive Director*  
*New York City Campaign Finance Board*  
*New York, NY*

- 6:30- 7:00 Jog (slowly) around Central Park reservoir.
- 8:30-9:00 Drop off grade school daughter at her school or drop off pre-school daughter at her school. (Lawyer husband HLS '77 takes the other one.)
- 9:00-9:40 Commute by subway to office; read weekly press clips package and review draft conference flyer en route. Conference is to be held in conjunction with the Association of the Bar of the City of New York on November 9, 1998, entitled "Local Lessons for National Reform", featuring Representative Chris Shays, United States Attorney Charles LaBella, and others.
- 9:40-10:30 Read any newspaper items I was unable to look at over breakfast. Look over telephone messages, faxes, and e-mail from yesterday p.m. or today a.m. and return calls or respond, as appropriate. These include:
- (a) Message about a meeting to be arranged on litigation being handled by Sullivan and Cromwell for the Campaign Finance Board ("CFB") pro bono. Litigation involves a candidate who became indebted to a powerful local union that provided resources to his campaign in a manner that violated the Campaign Finance Act's contribution limits.
  - (b) Message from a member of the Government Ethics Committee of the Association of the Bar of the City of New York (of which I am the Chair) about a subject the Committee might take up: lobbying of State representatives in Albany during the legislative session.
  - (c) Message from husband that school nurse allowed older daughter to go to school, accepting pediatrician's judgement that daughter has poison ivy but that other symptoms might not be chicken pox.
  - (d) Call to General Counsel of the Federal Election Commission regarding

attempts by the House and Senate to impose "term limits" on his office in a manner that would endanger the independence of FEC staff. The proposal would require the FEC by affirmative vote to retain senior staff every four years. This is a matter I have raised with the Association of the Bar of the City of New York Special Commission on Campaign Finance Reform and the editorial board of the New York Times to urge that the proposal be resisted.

- (e) Letter from New York State Board of Elections. After difficult negotiations, the State Board, in its development of a new computer system for compiling campaign finance data, will indeed work together with the CFB Systems staff so that software already developed by the CFB for use by candidates locally can also be used for filing with the New York State Board of Elections.
  - (f) Paper work and preparation for two-day meeting with a "working group" of a half dozen academics, administrators, civic leaders, and foundation staff to be held in Washington, D.C. at the Brookings Institute to give input to foundations on the subject of campaign finance reform.
  - (g) Telephone call with Board Chairman Joseph A. O'Hare, S.J., to discuss Mayor Giuliani's expected veto of campaign finance reform legislation passed by the City Council and supported by the Board.
- 10:30-11:00 Meet with Press Secretary to discuss possible statement to issue to the press about expected Mayoral veto and other press matters.
- 11:00-11:30 Meeting with Deputy Press Secretary to go over November 9 conference flyer, logistics, funding, invitations, and status of speaker acceptances.
- 11:30-12:30 Review news articles on "Pay to Play" proposal made by Association of the Bar of the City of New York sent to me by a Government Ethics Committee member. ("Pay to Play" narrowly refers to the practice of giving contributions to candidates in return for municipal bond work.)
- Arrange for Board's post-election report, A Decade of Reform, to be sent to various individuals who have requested it, primarily members of the Council on Governmental Ethics Laws, which had its annual meeting last week.
- 12:30-1 :30 Lunch with Deputy Executive Director and Director of Administrative Services. We discuss personnel and budget matters, Clinton/Starr, and computer year 2000 issue that has arisen.
- 1:30-3:30 Telephone calls with: Gene Russianoff of the New York Public Interest Research Group; Counsel to the Public Advocate's office; and New York Times and Daily News editorial boards re: Mayor's anticipated veto of new Council amendments to

the Campaign Finance Act. Discussion with CFB General Counsel re: same. Also:

- Go over language for updating CFB Website to refer to changes in the law passed by the City Council.
- Review notes of yesterday's meeting with City Council members and staff about the need for training and publicity for Program participants.
- Telephone call to Governor Whitman's office in New Jersey re: her participation in November 9 conference.
- Telephone call to Speaker Peter Vallone's office re: conference.
- Telephone call to Association of the Bar re: conference.
- Greet new staff member in the Audit department.

3:30-4:00 Unit Head meeting to go over agenda for Campaign Finance Board meeting next week. Agenda includes:

- (a) Report on public and press items and viewing of part of "Capitol Ideas", a PBS program that featured the CFB's computerized campaign finance disclosure system.
- (b) Adoption of Board rules to conform to new Domestic Partner law in New York City.
- (c) Demonstration of DNet, an interactive website of a non-profit group that wants the CFB to establish a link to DNet's website. The Board must decide whether to adopt a policy to establish such links and whether to allow DNet to put the CFB's Voter Guide materials on ballot proposals on the DNet site.
- (d) Status of audits of 1997 election campaigns and any payments of public funds due to candidates.
- (e) Discussion in executive session of criminal matters on which the CFB is working with the U.S. Attorney's office and others involving the District Attorneys' offices.
- (f) Discussion in executive session of civil matters:
  - i. On-going litigation being pursued by a candidate for mayor challenging his exclusion from the 1997 mayoral debates administered by the Board and broadcast on cable and network television pursuant to the Debate Law.
  - ii. Actions by the CFB to recover civil penalties from candidates who have violated the Campaign Finance Act.

- 4:00-4:30 Discuss possible advisory opinion (on clarification of overlapping language in new City legislation and possible Charter Amendment) with General Counsel.
- 4:30-5:00 Telephone call with Chairman O'Hare about new information on Mayor's  
anticipated veto and other matters. More on Clinton/Starr.
- 5:00-5:15 Look over advance printed copy of CFB's Voter Guide, to be mailed to 3 million Registered voters in New York City, explaining proposals that may be on the ballot in November. Register sigh of relief that typographical error in a heading was corrected in time.
- 5:15-5:30 Exit interview with press aide whose "seasonal" employment is over. He will work in his family's business for a year before going to law school.
- 5:30-5:45 Go over draft minutes of last Board meeting and agenda for next week's Board meeting.
- 5:45 Go for "good-bye" drink with staff seeing off press unit employee.
- 7:00 Home for dinner with family.

This "typical day" reflects a day spent entirely in the office, which In the recent past has not necessarily been typical. In the immediate period around this "typical day", for example, I spent four days in Seattle at a conference of the Council on Governmental Ethics Laws, the umbrella organization for campaign finance, ethics, lobbying, and freedom of information agencies in the United States and Canada; one day in Washington, D.C., for a "working group" meeting; and a certain amount of time out of the office at outside meetings. I do not usually, however, have to travel much out of New York.



