

# Outstanding Public Interest Lawyers in Action II:

## A Day in the Life of Wasserstein Fellows



Lisa D. Williams, Esq.  
Associate Director

Micah Nemiroff  
Staff Assistant

Bernard Koteen Office of Public Interest Advising  
Harvard Law School  
Wasserstein Hall, Suite 4039  
Cambridge, MA 02138  
Phone: 617-495-3108  
Fax: 617-496-4944

# WASSERSTEIN GUIDE TABLE OF CONTENTS

## INTRODUCTION

### CAPITOL Hill

- 6 Philip S. Barnett  
2011-2012 Wasserstein Fellow  
Democratic Staff Director,  
Committee on Energy and  
Commerce, U.S. House of  
Representatives

### CRIMINAL PROSECUTION/DEFENSE

- 9 Carol Brook  
2005-2006 Wasserstein Fellow  
Deputy Director, Federal Defender  
Program for the Northern District of  
Illinois

- 13 James Hingeley  
2008-2009 Wasserstein Fellow  
Public Defender, Albemarle County  
and Charlottesville and City of  
Lynchburg

- 14 Asit Panwala  
2006-2007 Wasserstein Fellow  
Assistant District Attorney  
San Francisco County District  
Attorney's Office

- 16 Jordan Schreiber  
2006-2007 Wasserstein Fellow  
Deputy Public Defender  
Contra Costa County,  
Office of the Public Defender

- 17 Jack Smith  
2011-2012 Wasserstein Fellow  
Chief, U.S. Department of Justice,  
Criminal Division, Public Integrity  
Section

## GOVERNMENT – FEDERAL

- 19 Alden Abbott  
2002-2003 Wasserstein Fellow  
Assistant Director for Policy and  
Evaluation, Bureau of Competition,  
Federal Trade Commission

- 21 Gerald Alexander  
2008-2009 Wasserstein Fellow  
Assistant General Counsel,  
Office of Litigation,  
U.S. Department of Housing and  
Urban Development

- 22 Darryl Gorman  
2006-2007 Wasserstein Fellow  
Deputy Attorney General,  
Rulemaking and Legislative Affairs  
Office of the Attorney General

- 22 Lisa Taylor  
2011-2012 Wasserstein Fellow  
Trial Attorney, U.S. Department of  
Justice, Civil Rights Division,  
Disability Rights Section

## GOVERNMENT – LOCAL

- 24 Astrid Andre  
2006-2007 Wasserstein Fellow  
Counsel, New York City Economic  
Development Corporation

- 25 Michael Best  
2009-2010 Wasserstein Fellow  
General Counsel, New York City  
Department of Education

## LEGAL SERVICES

- 26 Davida Finger  
2008-2009 Wasserstein Fellow  
Staff Attorney  
Katrina Clinic, Loyola Law School

27	Levon Henry 2008-2009 Wasserstein Fellow Executive Director DNA-People's Legal Services, Inc.	39	Steven Choi 2009-2010 Wasserstein Fellow Executive Director, Empowering the Korean American Community (YKASEC)
28	Bill Lienhard 2007-2008 Wasserstein Fellow Project Director Mental Health Project, Urban Justice Center	41	James D. Esseks 2008-2009 Wasserstein Fellow Litigation Director, ACLU, Lesbian, Gay, Bisexual, Transgender & AIDS Project
30	Nina Perales 2009-2010 Wasserstein Fellow Southwest Regional Counsel Mexican American Legal Defense and Educational Fund (MALDEF)	42	Hayley Gorenberg 2010-2011 Wasserstein Fellow Deputy Director, Lambda Legal
	<b>NONPROFIT</b>	43	Blan Holman 2009-2010 Wasserstein Fellow Senior Attorney, Southern Environmental Law Center (SELC)
30	Paul Achitoff 2006-2007 Wasserstein Fellow Managing Attorney Earthjustice, Hawaii	45	Michael Kirkpatrick 2007-2008 Wasserstein Fellow Staff Lawyer, Public Citizen Litigation Group
32	Jody Adler 2011-2012 Wasserstein Fellow Director, Law Project, Chicago Lawyer's Committee for Civil Rights	45	Craig Levine 2006-2007 Wasserstein Fellow Senior Counsel & Policy Director, New Jersey Institute for Social Justice
33	John Affeldt 2011-2012 Wasserstein Fellow Managing Attorney Public Advocates Inc.	47	Michael LeVine 2011-2012 Wasserstein Fellow Pacific Senior Counsel, Oceana
36	Neelum Arya 2011-2012 Wasserstein Fellow Research & Policy Director, Campaign for Youth Justice	48	Andrea Marsh 2005-2006 Wasserstein Fellow Director, Texas Fair Defense Project
38	Eric Brettschneider 2005-2006 Wasserstein Fellow Executive Director Agenda for Children Tomorrow (ACT)	50	William R. Montross, Jr. 2007-2008 Wasserstein Fellow Director – Capital Litigation Southern Center for Human Rights

52	Jonathan Rapping 2009-2010 Wasserstein Fellow CEO/Founder The Southern Public Defender Training Center (SPDTC)	66	Nicole Austin Hillery 2006-2007 Wasserstein Fellow Attorney Mehri & Skalet, PLLC
53	Mario Russell 2007-2008 Wasserstein Fellow Senior Attorney and Immigration Policy, Catholic Charities Community Services	<b>PUBLIC INTERNATIONAL</b>	
54	Reginald Shuford 2009-2010 Wasserstein Fellow Senior Staff Attorney/Attorneys of Color Recruitment & Retention Officer, ACLU Racial Justice Program	68	Betsy Apple 2011-2012 Wasserstein Fellow Legal Director & General Counsel, AIDS-Free World, New York, NY
55	Jeanne Smoot 2011-2012 Wasserstein Fellow Director of Public Policy, Tahirih Justice Center	70	Mark Fittipaldi 2008-2009 Wasserstein Fellow Attorney Advisor, Office of the General Counsel United States Agency for International Development (USAID)
59	Michael Steinberg 2007-2008 Wasserstein Fellow Legal Director ACLU of Michigan	71	James A. Goldston 2009-2010 Wasserstein Fellow Founding Executive Director Open Society Justice Initiative
60	Kara S. Suffredini 2007-2008 Wasserstein Fellow State Legislative Director, National Gay and Lesbian Task Force	72	Clifton Johnson 2009-2010 Wasserstein Fellow Assistant Legal Adviser Office of the Legal Adviser (L) Office of Law Enforcement and Intelligence, U.S. Department of State
63	Janet Varon 2006-2007 Wasserstein Fellow Executive Director, Northwest Health Law Advocates	74	Kaoru Okuizumi 2010-2011 Wasserstein Fellow Policy Coordinator, Department of Peacekeeping Operations, United Nations
<b>PRIVATE-PUBLIC INTEREST FIRMS</b>		75	Tony Varona 2001-2002 Wasserstein Fellow General Counsel & Legal Director Human Rights Campaign & HRC Foundation
64	James B. Fishman 2008-2009 Wasserstein Fellow Founder Fishman & Neil, LLP		

These 45 narratives, written by Harvard Law School's Wasserstein Public Interest Fellows from 2001 through 2012, are an invaluable resource to our students and to law students around the country. We have compiled these narratives to help educate students about what to expect in their professional careers and help guide them in making career choices.

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 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, private public interest law firms, and nonprofit organizations that provide legal assistance, conduct research or engage in other activities aimed at advancing the common good.

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 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 but will often participate in other events or activities during their time on the Harvard Law School campus such as career panels, speaking events or classroom activities. 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 practice setting and the joys and frustrations of public interest law.

The 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 him or her to prepare a narrative describing a "typical day" at their job. They invariably say that there is no "typical day" in the public interest world. These narratives capture the appeal and the essence of public interest 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 right for you. These narratives were submitted at the time of each respective Wasserstein Fellow's fellowship, and so may not reflect the Fellows current occupation.

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.

## CAPITOL HILL

*Philip S. Barnett*

*JD, Harvard Law School, 1983*

*2011-12 Wasserstein Fellow*

*Democratic Staff Director, Committee on Energy and Commerce, U.S. House of Representatives, Washington, DC*

One of the best aspects of working on Capitol Hill is that there are no typical days. The issues you work on change. Your role can change from negotiating bill language one day, to working with interest groups to build public support for your member's position another day, to reviewing boxes of documents for an investigative hearing the next day.

Your titles and positions can also change. Over just the last eight years, I have changed positions four times. During that period, I have been both the majority staff director and the minority staff director for two different committees: first the Oversight and Government Reform Committee, which is the main investigative committee in the House, and now the Energy and Commerce Committee. Before that, I served in a variety of other roles.

Since I work for a Democrat, Rep. Henry Waxman from California, I am back in the minority. In my current position as minority staff director on the Energy and Commerce Committee, I supervise a staff of about 35 people. Our collective responsibility is to provide expert staff support on the issues that come before the Committee to Rep. Waxman, who is the ranking Democrat; to the other Democratic members of the Committee; and when bills are on the floor, to the entire Democratic caucus. The jurisdiction of the Energy and Commerce Committee is extremely broad, covering our nation's health, energy, environmental, telecommunications, and consumer protection laws. That means we need top-notch staff in all of these areas.

We are on recess this week, which means the members are back in their districts and the staff can catch up on work that was put off and find time to do some planning for future initiatives. To give you a sense of the types of issues that come before congressional staff, I will summarize my day on March 8, 2012, which was the last day the members were in session before the recess. My day is different from nearly everyone else's on the staff because as staff director, I have to be involved in all the major issues that come before the Committee. But each of the issues I dealt with on March 8 were also worked on by others on the staff – and are what lawyers on committee staffs are doing across the Hill.

9:00 a.m. to 9:45 a.m.: My first meeting of the day is a meeting of the House Democratic Caucus. The two-year anniversary of the health reform law is approaching and HHS Secretary Sebelius and Rep. Waxman are addressing the caucus. Secretary Sebelius tells the caucus that the law is costing less than anticipated: when we passed health reform, we thought private insurers would need to raise their premiums by 1.5% to pay for covering young adults, providing coverage to children with pre-existing conditions, and offering free preventative care; the Secretary tells us premiums have gone up just 0.3% to provide these benefits. Given how hard Rep. Waxman, our staff, and so many others worked on the passing the law, this is deeply gratifying news.

Rep. Waxman tells the caucus that to mark the upcoming anniversary, his committee staff will prepare district-specific reports for every member of Congress on the benefits their constituents have already received under the new law. There is a lot of interest among the members in these reports, which means a lot of work for us over the recess to get them ready.

Next week, when the members are back, the House Republicans will bring to the floor a bill to repeal one of the cost-saving mechanisms in the health reform law: a board called IPAB (for Independent Payment Advisory Board), which has the authority to propose and, if Congress fails to act, implement reductions in payments to providers if Medicare costs grow faster than the law allows. Both Secretary Sebelius and Rep. Waxman explain to the caucus why Democrats should oppose this repeal. We can tell we still have work to do to convince a number of members because they perceive IPAB as intruding on congressional prerogatives.

9:45 a.m. to 10:30 a.m.: I sneak out of the caucus early to bike down to the baseball stadium to get opening day tickets for my spouse, who is a die-hard fan and is taking our youngest daughter to the game.

10:30 a.m. to 11:00 a.m.: Our Energy and Power Subcommittee and Environment and the Economy Subcommittee are having a joint hearing with Energy Secretary Chu to examine the proposed budget for the Energy Department. When Secretary Chu last appeared before the Committee in November, he was testifying in the Committee's Solyndra investigation and the hearing was contentious and consumed a lot of my time. As our staff had predicted, this hearing is relatively placid and I stay for only a short while.

11:00 a.m. to noon: I go back to my desk to work on some talking points for Rep. Waxman for a meeting with the House leadership and the chair of the Commodity Futures Trading Commission, Gary Gensler. The subject is the role of speculators in the rise of gasoline prices.

This is a part of the job I absolutely love. As gasoline prices rose and became a topic of congressional interest, we had set up a series of telephone briefings with leading oil market economists at MIT, Stanford, and the University of California, as well as private experts and officials at the Energy Department. We learned that a frenzy of buying in the futures market can drive up futures prices and cause oil companies and others with physical possession of oil to hoard oil for sale at the higher futures prices. This is called a "contango" market. But we also learned that today's oil market is in "backwardation," which means futures prices are below spot prices, which means in turn that hedge funds and other speculators are unlikely to be the cause of the recent run-up in prices.

We have previously discussed these issues in depth with Rep. Waxman and the talking points we prepare reflect this understanding. Their premise is that oil prices are set in a global market and the only way we can protect our economy from being buffeted by rising oil prices is to reduce our dependence on oil, whether foreign or domestic.

Noon to 1:00 p.m.: The leadership meeting goes well. Rep. Waxman explains to the group the terms "contango" and "backwardation," which is the probably the first time they've been used in



leadership discussions and surprises even Chairman Gensler. A Democratic consensus appears to be developing along lines we would support. At the end of the meeting, we are asked to make edits to a Democratic letter on the role of speculation to accommodate Rep. Waxman's views.

1:00 p.m. to 2:00 p.m.: I go back to my desk to edit the letter, which is a letter to House appropriators supporting full funding of Chairman Gensler's budget. Speculation in the oil markets is addressed in a responsible way. I also have time for a quick lunch at my desk.

2:00 p.m. to 3:30 p.m.: I go to a meeting with the House Counsel, who represents members and the House in litigation. I was the majority staff director on the Oversight Committee in 2008 when Roger Clemens, the baseball pitcher, testified he did not use steroids. After the hearing, Rep. Waxman, who was the Chairman of the Committee, and Republican Rep. Tom Davis, who was the ranking member, asked the Justice Department to investigate Mr. Clemens for perjury. The Justice Department did and indicted him for obstruction, false statement, and perjury. I'm the designated witness for the Committee in the trial and was on the stand in July 2011 when a mistrial was declared. The retrial is starting in April and the House Counsel asked to meet with me in preparation for my testimony.

This whole experience is an unusual one for me. I've done a lot of congressional oversight in my career, but this is the first time I've been on the witness side of a proceeding.

3:30 p.m. to 5:00 p.m.: Next up in the day is a series of meetings and calls on climate change, one of Rep. Waxman's top priorities and an issue I'm personally passionate about. Rep. Waxman has decided that the coming trifecta of fiscal challenges – the expiration of the Bush tax cuts, the automatic sequester of the defense budget, and the need for another extension of the debt limit – offers an opening for a carbon policy that puts a price on carbon emissions. His thesis is that because a carbon policy can raise \$20 to \$100 billion dollars annually, depending on how it is constructed, our long-term debt and climate problems are easier solved together than separately.

At 3:30 p.m., I am with Rep. Waxman when he calls a corporate executive who supported our efforts to pass climate legislation in 2009; he says he would like to start a discussion with the executive about making a climate policy part of the solution to our fiscal challenges. At 4:00 p.m., I leave Rep. Waxman to meet with an environmental organization we hope to enlist in this effort. And at 4:45 p.m., I talk with former Republican Rep. Wayne Gilchrest, who was one of the few Republicans to vote for the climate bill in 2009, to ask if he would do an event with Rep. Waxman discussing our new initiative. Rep. Gilchrest says yes; the environmental group says yes; and the executive is positive but noncommittal. Two and a half out of three isn't bad.

“I talk with former Republican Rep. Wayne Gilchrest, who was one of the few Republicans to vote for the climate bill in 2009, to ask if he would do an event with Rep. Waxman discussing our new initiative. Rep. Gilchrest says yes; the environmental group says yes; and the executive is positive but noncommittal. Two and a half out of three isn't bad.”



5:00 p.m. to 6:45 p.m.: I had a lot of meetings today, so I know I will have a big backlog of emails when I go back at my desk. I start working my way through them. Our chief counsel comes in to brief me on what he's handled during the day and to tell me about a brewing potential confrontation on an oversight issue between the Federal Communications Commission and the Republican majority on our Committee. We discuss options for resolving the issue.

6:45 p.m. to 7:00 p.m.: I live on Capitol Hill, so I have a short commute to work. Today, as on most days, I bike home in time for dinner.

7:00 p.m. to 8:30 p.m.: It's time to eat and catch up with my family. With just one child left at home who will be going to college next year, every dinner is one I try to savor. My spouse and daughter tell me they are interested in my day, but what they really want to know is if I remembered the baseball tickets!

8:30 p.m. to 11:30 p.m.: On most days, I use this time to get caught up on all my emails from the day. Today, I'm able to get through them all and go to bed with a clean conscience.

\*\*\*\*\*

## **CRIMINAL PROSECUTION & DEFENSE**

*Carol Brook*

*J.D., University of Illinois College of Law, '76*

*2005-06 Wasserstein Fellow*

*Deputy Director, Federal Defender Program for the Northern District of Illinois, Chicago, IL*

A Typical Workday, as if there were such a thing. When the Office of Public Interest Advising asked me to describe a typical work- day at the Chicago Federal Defender Program, I did what any good lawyer would do -- I looked to see what others have said before me.

Here is what I learned:

1. No public interest lawyer has a typical workday. I surmise that those who devote their careers to public interest do so in part because they cannot stand the idea of a typical workday.
2. Every public interest lawyer wears a number of hats throughout the course of even one day. From this I conclude that public interest lawyers are either easily bored or thrive on chaos, or both.
3. Almost every public interest lawyer is obsessed with coffee drinks, the longer the name, the better. Relying on my rapidly eroding but still available Fifth Amendment privilege, I draw no conclusion from this fact.
4. Every public interest lawyer thinks about their home life as part of their workday. I know why this is – it is because the boundaries between public interest “work” and real life are

mostly nonexistent.

I am no different.

I always start my day by trying - usually desperately trying - to wake up my twin sons, now 14. Cold water is not unheard of. Four showers, four breakfasts and two lunches later, my husband, who is a reporter for a large Chicago newspaper (do you see any potential ethical issues here?) and I, drive the boys to school. We use this time to ground our family, discuss the days' schedule with the kids, and then discuss our day with each other. I drink my coffee from a non-environmentally sound Styrofoam cup with a lid. It is one of my most treasured vices.

Although my workday does not usually start in court, it almost always relates to something happening in court. I supervise a staff of 37 full time employees (20 lawyers, 6 investigators, and 11 administrative/clerical/support staff) and anywhere from six to ten legal interns. Although I do not directly supervise every person on staff every day, it sometimes seems that way because I am blessed to work in an office where asking questions is viewed as a sign of wisdom. So, a Staff Attorney might come rushing in to tell me that her client's mother just called to say her client left the house last night and failed to return. What is the lawyer's obligation? The ethics rules say you should not act against the best interests of your client. Must the lawyer tell the prosecutor? The judge? Is the conversation with the mother privileged? Can the lawyer continue the hearing that is scheduled for later in the day? Must she say why?

Or a Staff Attorney might come in – distraught – to say he had just been to see a client at the Metropolitan Correctional Center (MCC), our local federal prison (about which, more later), and really believed that he and his client just couldn't work together. The lawyer is distraught because he has been unable to develop a successful relationship with his client, a relationship that is critical to effective representation. Should he file a motion to withdraw? If so, what should he say to the judge? What message does this send?

Or, as often happens, a lawyer might come in to say that she strongly believes it is in her client's best interest to cooperate with the government because the evidence against her client is overwhelming and the potential sentence after trial is 30 years. With cooperation, the client could be facing ten years, but the client does not wish to cooperate. There are many reasons why someone would choose not to cooperate – fear of retaliation, lack of real knowledge, close or familial relationships with other persons involved, refusal to work with government, belief in one's innocence or belief that the case can be won at trial. Sometimes psychological barriers prevent cooperation. In these cases, there is a thin line between advice and coercion. We need to know where the line is and how to separate our desire to prevent something bad from happening to the client from the client's desires. Sometimes I suggest that either I or another more senior lawyer meet together with the lawyer and client.

Or, as happened this morning, I might receive a telephone call from someone at the MCC who was arrested a week ago but has not yet been to court so is without a lawyer. In this case, the system simply failed, and I am grateful we have a direct line from the prison that allows prisoners to call us at no cost to them.

Sometimes the lawyers just need to talk because the cases are heart-breakingly sad. One of our clients is HIV positive. He has no job and his wife is dying of liver cancer. He robs a bank to get money for his wife's cancer treatments. He is pistol whipped after the robbery and loses all the money. He is taken to the hospital for his injuries and a police officer searches his belongings. The officer goes through his wallet and finds small amounts of drugs in the wallet. The client is arrested and confesses to the bank robbery. We lose the motion to suppress evidence. Later we learn that the police officer is now accused of stealing from clients. Can we re-open the suppression hearing? Should we? Or do we just go to sentencing and make the arguments there, hoping the judge will not give our client what would amount to a life sentence for him in light of his illness? What is more likely to achieve justice for this client?

Absent some larger crisis, I then meet with our Chief Appellate Attorney. He is a genius (getting to work with geniuses is one of the perks of my job) and is able not only to keep on top of new developments in the law both nationally and locally, but also to understand the ramifications for our lawyers and clients. So when the Supreme Court decided *Crawford v. Washington*, 124 S. Ct. 1354 (2004), causing great celebration among defense lawyers, he was able to see that there might be a down side to the holding because statements that are not considered "testimonial" might now be admitted against our clients without first undergoing any constitutional analysis.

We discuss what motions need to be filed to preserve certain issues in the trial court and on appeal. Often we are faced with larger policy questions, such as whether it would be an institutional conflict to take opposing positions on a particular issue in two different cases when the same position would not benefit both clients. This question was particularly difficult before the Supreme Court decided *United States v. Booker*, 125 S. Ct. 738 (2005). We discuss which lawyers have oral arguments scheduled and need to be mooted and by whom.

It is now lunch time, or at least the time when my stomach can't stop growling. Despite my best intentions, I generally do not get to eat until mid-afternoon, because the unexpected never stops coming.

Sometimes, however, I do get lunch because I am attending a luncheon meeting. For example, every other week I chair a staff meeting for our lawyers and investigators where we share information and ask each other for advice. Twice a month I meet with the Federal Bar Association Board, of which I am a member. And then there is the Illinois Ass'n of Criminal Defense Lawyers, the CJA Panel Attorney Selection Committee, the training committee – you get the idea. Actively participating in organizations is important both for my continued development as a lawyer and for the continued development of the Federal Defender Program. Participation is also one way for me to give back to the community some of all that has been given to me.

At least twice a week, I meet with our Administrative Assistant to talk about budget and personnel issues. We are a not-for-profit, private organization, but all of our funding comes from the federal government under the authority of the Criminal Justice Act of 1964 (18 U.S.C. sec. 3006A). It is critically important that I understand the rules and regulations surrounding the grant under which we receive our money. Although these issues may sound boring, and sometimes (ok, often) do cause me to want to tear out my hair, they are critical to the life of our

organization. Do we have enough money to pay for the new training I read about relating to theater and improvisation? How many lawyers can we send to New York to be trained to represent persons detained at Guantanamo? What about personnel? Should we seek authorization to hire another investigator? Or a paralegal? Where would we put them? Do we have enough money to hire the neuropsychiatrist we need to evaluate our newest client who says he was in a terrible car crash 15 years ago but never received any medical treatment?

I also juggle some longer-term projects – currently I am writing (trying to write might be more accurate) a journal article focusing on the racial disparities in sentencing that occurred under the federal sentencing guidelines, updating an outline on federal discovery to accompany a talk I am about to give to new federal defenders and thinking about a new legal challenge. This morning I will be meeting with a team we created to brainstorm a challenge to the detention of our clients at various outlying jails which are located three or more hours away. The team consists of

“This morning I will be meeting with a team we created to brainstorm a challenge to the detention of our clients at various outlying jails which are located three or more hours away. The team consists of two lawyers, a law student and our mitigation specialist. The clients who are sent to these jails do not see their families because their families have no way to visit them, do not have access to law libraries or legal materials, only see their lawyers occasionally because one visit to one client requires an entire day, do not have mental health experts available to them and are not able to review the discovery materials in their cases.”

two lawyers, a law student and our mitigation specialist. The clients who are sent to these jails do not see their families because their families have no way to visit them, do not have access to law libraries or legal materials, only see their lawyers occasionally because one visit to one client requires an entire day, do not have mental health experts available to them and are not able to review the discovery materials in their cases. These detentions have created numerous problems for the clients and the system. Many more clients are seeking new lawyers because they do not see their lawyers enough. Many are so unhappy that it is difficult to create an effective attorney-client relationship. Something needs to be done. But what? File a civil case? An injunction? A release motion in one case? In every case? We need to decide.

Here is an example of one particular day coming up, September 28<sup>th</sup>:

In the morning I have a sentencing set for a client who entered this country illegally because she believed her daughter in New York might have cancer and wished to bring her son back home with her because he seemed to be suffering here living with his father. I have been representing this woman for about a year. She has been incarcerated that whole time. She is a lovely woman. She does not like me to visit her much in the MCC because she has to be strip searched after I leave. Our mitigation specialist has worked with her and we have submitted a lengthy sentencing memorandum on her behalf to the court. Prior to sentencing, I will take her file home to work up my sentencing presentation. It is impossible to do that during the day because there are too many

interruptions that require my immediate attention. I am hoping that the judge will sentence her to time served.

At noon, I have been invited by the federal bar to moderate a panel discussion between a federal district court judge, our United States Attorney and a criminal defense attorney on the effects of *Booker* on sentencings in the Northern District of Illinois.

When I return to the office I will participate in a moot for one of our younger lawyers who is preparing for her first oral argument before the Seventh Circuit. I will then finalize a training program we are putting together for all of our Staff and Panel Attorneys. Training is an essential function of our office and one that is both interesting and challenging. The law changes rapidly and it is important to keep up with those changes. Because our office runs the Criminal Justice Act Panel, it is our responsibility to create training programs for the Panel. In addition to organizing these programs, I also participate in them. In my experience, teaching is the best way to learn.

Once the training is finalized and the letters to the faculty are drafted, I will probably be no good to anyone. So I will take the opportunity to read – newspapers, Professor Berman’s sentencing blog, bar journals, slip opinions, whatever strikes me at the time. There is no shortage of reading material waiting for me. I will also call my sons for a little spiritual renewal, unless they have already called to tell me something like they left their lunch box on the bus or they need a Japanese to English dictionary by tomorrow morning.

Finally, it is impossible to do this work without thinking about race. The vast majority of my clients, indeed the vast majority of all persons accused of crime, are people of color, mostly African Americans and Hispanics. Study after study shows that people of color are arrested more frequently than whites, detained more frequently than whites, given less favorable plea bargains than whites and given significantly longer sentences than whites. But I don’t need studies to tell me this. I see it every day. Issues of race underlie everything we do. For me, to fight for equal justice is to fight for the elimination of racial discrimination in our society. That is why I do what I do and that is what keeps me going day after day.

\*\*\*\*\*

*James Hingeley*  
*J.D. University of Virginia 1976*  
*2008-09 Wasserstein Fellow*  
*Public Defender, Albemarle County and Charlottesville and City of Lynchburg, Charlottesville, VA*

Days in the life of a Virginia public defender are always fast-paced. New cases pour in the door all day long, and doing a good job representing every client is a constant challenge. Go to court, research a point of law, field a phone call from a client’s friend or family member, file a motion, meet with clients, some in jail, check out a crime scene, review sentencing guidelines, ask a prosecutor for a deal, update your court calendar, brainstorm with a colleague—keep moving. Don’t forget to document, document, document. Accurate file notes are essential when you have

125-150 open cases. Good time management skills and the ability to multi-task help get you through the day.

Building relationships is a large part of a public defender's job. The most important one is the lawyer's relationship with the client. At the outset clients often believe appointed lawyers are worth exactly what the client is paying, which is nothing. Trust is gained in obvious ways—hard work, taking time to listen and explain, and, most important, being honest in assessing a client's prospects and setting expectations. Giving clients bad news early on and avoiding unpleasant surprises is the way to go. Maintaining good relationships with judges, prosecutors, court clerks, probation officers, jail staff, and police officers helps public defenders achieve good results for their clients. A public defender's reputation and credibility are established day by day.

Space needs to be made in a public defender's busy schedule for professional development and bar or community service. Public defenders are always looking to improve their skills through continuing legal education. Working on bar committees is a good way to advocate for improvements in the system that benefits clients. Community service is personally rewarding and it gives public defenders a valuable connection to the community where they and most of their clients live and work.

\*\*\*\*\*

*Asit Panwala*

*J.D., New York University School of Law, '99*

*2006-07 Wasserstein Fellow*

*Assistant District Attorney, San Francisco County District Attorney's Office*

*San Francisco, CA*

I always try to eat a full breakfast, and read the newspaper for a few minutes before I rush off to work. In part, I enjoy my coffee and reading the news because it serves as the calm before the storm. Once, I get into work, all kinds of things could happen that may keep me from having lunch or having a moment for myself. When I get into the office, I put my bag aside, and begin by checking my messages. Usually, a victim or a defense attorney has left me a message over the course of the night, and I usually reply within a day of receiving it. People appreciate promptness even when you have news that they dislike. I work as an assistant district attorney in San Francisco, and my decisions should be made with the interest of society at heart, not the defendant's, not the victim's, not even with concern for how the press regards it. So it should come as no surprise, that what I have to say may not be pleasing to anyone involved in the criminal justice system. We should really call ourselves ministers of justice, not prosecutors because with an overwhelmed criminal justice system, we are first to judge whether a case should be prosecuted and if so, what should be recommended as punishment. People often mistakenly think of us as the attorney for the victim, but we actually represent the People, as in the People of State of California.



Nevertheless, I vigorously try to connect with the victims of my cases. I am a prosecutor and even though people perceive me as representing “the man,” most of my victims live on fringes of society. They may be former drug users, people who reached this country illegally, or just hard-working people who are anything but affluent. I try to see each of them in person at least once at the beginning of the case. I want to establish a rapport with them because the process can be long, difficult, and emotionally gut-wrenching. Not unusual, I sometimes serve as a personal therapist for victims, listening to their problems, their struggles with addiction, or even how they are trying to land a job. I don’t judge them, but I have an open ear, and may listen to them for more an hour at a time. My willingness to listen sometimes leads to uninvited visitors. Often, they stop in to see me without informing me ahead of time. I never turn them away, especially in light of the fact that I may have to call them in to testify.

“So as I saunter in at 9:00 a.m., I am keenly aware that Brenda, our receptionist, may be looking for me because a witness is here. I try to speak to them before I rush off to court. Fortunately, the court room is in the same building. I walked into the back chambers to meet with Judge Lee and my adversaries. They meet before the cases are called to discuss whether there will be a resolution, another court date, or a trial.”

So as I saunter in at 9:00 a.m., I am keenly aware that Brenda, our receptionist, may be looking for me because a witness is here. I try to speak to them before I rush off to court. Fortunately, the court room is in the same building. I walked into the back chambers to meet with Judge Lee and my adversaries. They meet before the cases are called to discuss whether there will be a resolution, another court date, or a trial. I am currently assigned to the Domestic Violence unit, which means I have a large number of cases where the victim still loves their abuser and ambivalent about pressing charges. I have a few cases where they have split and the relationship has become toxic. Lastly, I have a few cases where the victim is not eager to testify but will do so because I have convinced her that there is no excuse for hitting her. Most of my discussions in chambers concern whether the victim is cooperative, if I have corroborating evidence such as a 911 call, or if my case is very strong, an additional witness. Sometimes, I come in and simply concede that I don’t have a cooperating witness, and therefore no case. Rather than keeping the defendant in jail for another week or two as he waits for a trial date, I ask the court to release him at that time or dismiss the case. Usually when we arraign a person on domestic violence charges, Judge Lee will set bail at \$25,000 or above. The defendants that are unable to pay will sit in county jail while his trial is scheduled in two weeks. Although many complain that cases are not brought to trial in a timely manner, a defendant in California may require the People to try his case within thirty days on a misdemeanor or sixty days on a felony. If the People fail to try the defendant’s case within time, the case will be dismissed for speedy trial. So with many of the domestic violence cases I have, they are resolved or tried within a month. After our discussion in chambers, I wait in the jury box for the cases to be called.

I watch the defendant for whom I will release from custody as he sits next to his attorney as she eagerly explains to him that he will be let go today. I would like to say that often it is the good

work of the public defender that brings such moments to fruition, but that's not the case. Once the case is arraigned, it appears that they do no work on the case until it is sent out for trial. Many times, I've asked them to have cases advanced so I could do what I'm doing today, releasing an arrestee from jail. I like to look over into the defendant's eyes as I methodically explain on the record how I do not have a witness or that order of protection had expired. I simply tell the court that we will not be able to prove our case beyond a reasonable doubt, and that we are dismissing the case. I'm not sure what my colleagues make of me. I use to work in the Bronx, notorious for its crime, but it isn't my job to keep people in jail just because we can. I pray that the newly freed man doesn't commit another crime that night; that might end my career prematurely. So yes, a part of my job is to let people who are probably guilty go free because I can't prove the charges beyond a reasonable doubt.

It is about mid-morning now, and I sometimes cover a case for a colleague who may be busy with a hearing or a trial. At other times, there is a case that has slipped through the cracks, and its handed to me to figure out if we can be ready for the hearing that afternoon. If I am able to avoid such disasters, I can return to my desk to call victims and see if I can arrange an appointment with them. Perhaps, late in the afternoon, I may leave the office to go to a victim's home if she has failed to respond to our inquiries. This is usually done when all else has failed and the trial is scheduled to start soon.

This is a typical day. A great day may be a day where I can address the jury in the closing argument in a close case. A bad day may be a day where I have to call my victim and let her know that the jury acquitted. Some days end with contemplation of leaving this career for another, but all days end with the realization that I was only trying to do what was right; fighting for victims who may not fight back against their abusers, arguing with judges who ignore the law, or attorneys who try to bargain away the punishment their clients deserve.

\*\*\*\*\*

*Jordan Schreiber*  
*J.D., Harvard Law School, '01*  
*2006-07 Wasserstein Fellow*  
*Deputy Public Defender*  
*Contra Costa County, Office of the Public Defender, Martinez, California*

I am in court nearly every day, often all day. On a typical morning, I drive to one of the four courts in my county for preliminary hearings (also known as probable cause hearings). These are the first evidentiary hearings in felony cases. The prosecution is required to prove to a judge that there is probable cause to suspect my clients of the crimes charged. The judge can either dismiss the case due to insufficient evidence (extremely rare) or bind the case over for trial. Motions to suppress evidence are commonly heard at these hearings and can be dispositive of the case. At the end of the hearings I generally ask the court to release my in-custody clients on their own recognizance or to reduce bail.

Before any preliminary hearings begin in a given courtroom, one lawyer from my office will be responsible for handling arraignments for our new clients; I have that job once a week on

average. At lunchtime twice a week the felony attorneys eat lunch together and discuss our cases with each other, primarily to get one another's opinions on whether to accept offers on cases, but also to get suggestions on how to handle particular issues and to stay current on the latest acts of caprice and misconduct by various judges and DAs. In the afternoon, I generally am in court for pretrial settlement conferences and other pretrial hearings. Any remaining time is spent in the office returning phone calls, preparing motions, obtaining discovery, working with investigators, reading new files, and meeting with out-of-custody clients. There are two jails about 20 miles apart in my county, so I often have to go to the jails to meet with in-custody clients in the evenings, after I am done in court.

When I was doing misdemeanors, I did a trial every 3-4 weeks. At the felony level, I go to trial about 4-6 times a year. When I am in trial, that occupies my entire day and colleagues handle all of my other court appearances.

\*\*\*\*\*

*Jack Smith*

*JD, Harvard Law School, 1994*

*2011-12 Wasserstein Fellow*

*Chief, Public Integrity Section, U.S. Department of Justice, Washington, DC*

The Public Integrity Section of the United States Department of Justice is made up of over 30 experienced trial attorneys based in Washington, DC who investigate and litigate complex criminal corruption cases in federal courts across the United States. As Chief, my job is to lead and supervise the work of these lawyers, making sure that we are practicing law at the highest level and doing all we can to combat corruption by public officials in the United States. My day begins early, usually at 5:00 am, returning email messages from the night before. It never fails to surprise me how many messages can accumulate in the few hours I am sleeping. After that, I do my morning workout, then grab some breakfast and gulp down some coffee before heading into the office.

I usually fill my morning with meetings with my lawyers, reviewing the status of pending cases and the progress of ongoing investigations. For our most complex cases I hold a weekly meeting where the assigned prosecutors will brief my senior deputies and me on what they accomplished in the last week, what they plan to accomplish in the coming week, any challenges or questions they are facing and their long term case development strategy. Most days, I will hold anywhere between four and eight such meetings, which generally last between 30 minutes to an hour each. Between meetings and throughout the day I will also make and field at least a dozen of calls with law enforcement agents and their supervisors from across the United States to solicit and review new cases. In these calls I check in with agents to see if they have any interesting investigations with which we should become involved and offer guidance on legal issues they may be confronting.

At least once a week, and usually more frequently, I meet with the Assistant Attorney General for the Criminal Division of the Justice Department to brief him on the status of our major cases. In certain cases, I may also brief the Deputy Attorney General and the Attorney General himself. One morning each month, I start the day at FBI Headquarters where I sit on a committee that

reviews all sensitive undercover operations being conducted by the FBI across the country. At least twice a week I also attend meetings of the Attorney General’s Capital Case Review Committee (CCRC), of which I am a sitting member. The CCRC reviews every death penalty-eligible case charged by the Department throughout the country, and makes a recommendation to the Attorney General as to whether we should pursue the death penalty in that case. On top of these responsibilities, I am also out of the office regularly representing the Department at public forums on corruption issues or briefing Congress on the Department’s enforcement of election laws.

After a full morning, I usually run out to grab a big salad to bring back and eat at my desk while I return emails.

In the afternoon, my deputies and I hold moots for upcoming trials. At the moots, our trial attorney gives a rendition of her opening statement and lays out their order of proof to prove her case. We will critique the presentation and quiz the lawyer about preparation and talk over any strategy issues they have been considering. Once the trial is underway, I attend at least part of every trial no matter where it is. I have found that this is the best way to give support to my attorneys and assist them in dealing with high-tension courtroom situations. Last year, our lawyers tried 17 cases around the United States. In the first half of this year we have already tried 9 more. I travel a lot.

We also hold Indictment Review Committee (IRC) meetings in the afternoon. Generally, we do these at least a couple times a week. Each indictment by my attorneys is flyspecked by a group of other senior lawyers in the section. After everyone has read the indictment and the detailed prosecution memorandum that outlines our case, we hold a one to two hour meeting where we attack our case from every angle and see if it holds water. The responsibility for making a charging decision ultimately rests with me so I need to make sure I have considered all aspects of the case including any possible defenses before I make a decision to pursue an indictment against an individual.

“My day involves an a lot of decision making: from whether to approve an indictment, and if so which charges to pursue, to which attorney to assign to each case, to whether to pursue the death penalty in a capital case, to whether to accept a plea bargain proposed by counsel for a defendant, to whether we should believe a defendant who is seeking to cooperate and has offered evidence against others involved in his crimes, to whether to hire an attorney applying for a job with the section. In the course of any given day, I might make 50 decisions or more such decisions, each of which has a great effect.” on the lives of other

My day involves an a lot of decision making: from whether to approve an indictment, and if so which charges to pursue, to which attorney to assign to each case, to whether to pursue the death penalty in a capital case, to whether to accept a plea bargain proposed by counsel for a

defendant, to whether we should believe a defendant who is seeking to cooperate and has offered evidence against others involved in his crimes, to whether to hire an attorney applying for a job with the section. In the course of any given day, I might make 50 decisions or more such decisions, each of which has a great effect on the lives of other people.

I end the day returning any outstanding emails or calls and reviewing my schedule for the coming day. I live close to the office and bike to work because my hours are long and sometimes unusual. To fit it all in, I do not have time for an extended commute. What's nice about that is I can sometimes try to hit the gym on the way home if I have time.

I am usually home for dinner around 9:00 pm but often need to be available to consult with my lawyers who are working late into the night litigating cases across the country in several different times zones. While they are on trial, I am on trial, which means I am pretty much always on trial. Since my day is pretty packed, it is rare that I have time to do much reading or review of written work during the work day. As a result, I tend to bring home a lot of written work to review at night and on the weekends.

It is a hectic, every-moment-filled day from the moment I wake up to when I lie back down at night, but it is also very fulfilling work, and in my view, the best job in America.

\*\*\*\*\*

## **GOVERNMENT - FEDERAL**

*Alden Abbott*

*J.D., Harvard Law School, '77*

*2002-03 Wasserstein Fellow*

*Assistant Director for Policy and Evaluation*

*Bureau of Competition, Federal Trade Commission, Washington, DC*

The twelve lawyer-strong Office of Policy and Evaluation (OPE) is involved in the full range of issues that come before the Bureau of Competition (BC). (Two OPE lawyers are also academically trained economists and two OPE lawyers are also scientists and patent attorneys.) OPE provides advice to BC litigators on questions of antitrust theory; responds to congressional and public requests for information; assists in the drafting of speeches and testimony for senior officials; provides assistance to the BC Director on budgetary and management questions; assists in the planning and organization of public workshops on discrete policy topics; participates in internal and interagency working groups; and works on evaluating the soundness (from a legal and economic perspective) of particular antitrust theories. OPE staffers interact with lawyers and managers in any of the specialized BC "shops," with staff who report to the FTC Chairman and the other four FTC Commissioners; with economists in the FTC's Bureau of Competition; with attorneys from the General Counsel's Office (that office handles appellate litigation and provides administrative law advice); with staff from the Commission-wide Office of Policy Planning (a small office which reports to the Chairman and handles both competition and consumer protection policy issues); with Justice Department antitrust lawyers; and with outside counsel,



scholars, and foreign visitors (OPE works closely with BC's International Office on projects involving foreign antitrust enforcement authorities).

Every Monday morning I meet with the BC Director (my direct boss) and other senior BC managers to quickly go over hot topics for the week (e.g., enforcement priorities, matters going to the Commission, other antitrust-related developments of interest). This meeting typically lasts 30 minutes to an hour. I then meet with OPE staffers and provide them a quick overview of major developments. I also solicit input and topics for discussion at this meeting, which also typically lasts 30 minutes to an hour. Apart from these meetings, I have no set schedule. I do, however, regularly attend monthly "workload sessions" which the Bureau Director holds with each BC administrative unit – the four merger shops, the two non-merger enforcement shops, the merger reporting shop (which administers the government's Hart-Scott-Rodino pre-merger filing system, in cooperation with the Justice Department, and handles liaison with the Justice Department and with state attorneys general), the compliance shop (responsible for monitoring private party compliance with enforcement decrees), and the international shop (which handles liaison with foreign antitrust authorities and with international organization on enforcement matters and on policy initiatives, such as international convergence). My staff and I also periodically attend merger screening meetings (in which the Bureau Director decides whether to authorize "second requests" and compulsory process in complex proposed mergers under review) and evaluation committee meetings (in which decisions are made whether to authorize compulsory process in non-merger matters).

There is no typical "day," my schedule is fluid and frequently changes. I may, for example, meet with OPE staff possible assistance to another "shop" in its litigation of a complex matter; meet with the Chairman and his staff concerning the planning of public hearings in a particular area; meet with Commission staff on developing "performance measures" to benchmark the effectiveness of BC initiatives; meet with foreign antitrust officials to exchange views on the antitrust evaluation of particular sorts of conduct or mergers; brief the BC Director on developments in a particular matter; edit draft speeches or testimony to be given by senior officials; or meet with the Justice Department to consider whether the Antitrust Division and the FTC should submit amicus curiae briefs in a private antitrust case on appeal. In addition, I often meet informally with OPE attorneys to discuss progress on particular initiatives and to determine priorities; the latter is particularly important, given the fact that our "clients" from the litigation shops request our involvement in numerous complex cases.

"...the work of OPE is varied and complex. In a typical week I may "dip into" dozens of matters of antitrust policy significance. My chief frustration as OPE chief is my inability to delve deeply into more than a few matters. I work in a collegial environment; as bureaucracies go, the FTC is relatively informal and non-hierarchical. I have a great degree of job satisfaction."

In short, the work of OPE is varied and complex. In a typical week I may "dip into" dozens of matters of antitrust policy significance. My chief frustration as OPE chief is my inability to



delve deeply into more than a few matters. I work in a collegial environment; as bureaucracies go, the FTC is relatively informal and non-hierarchical. I have a great degree of job satisfaction.

\*\*\*\*\*

*Gerald Alexander*

*J.D. Vanderbilt University School of Law, '89*

*2008-09 Wasserstein Fellow*

*Assistant General Counsel, Office of Litigation, U.S. Department of Housing and Urban Development, Washington, D.C.*

Because my practice is affected by the ebbs and flows of litigation, there is no typical work day. My office frequently handles cases in which the plaintiffs seek preliminary and permanent injunctive relief, including cases seeking to enjoin imminent foreclosures or termination of HUD rental subsidies, and when my office is in the midst of opposing one of those requests, I often spend several days or even weeks focused almost exclusively on that single matter. Because the court-imposed deadlines in injunctive cases can be very short, and the legal and factual issues are often complex, I frequently assemble a team of several attorneys to work on a single matter. In those instances, I normally function as the team leader, meaning that I am the main point of contact with the client and the Department of Justice, and that I take the lead for the agency in drafting responsive pleadings.

“One of my priorities is to mentor young attorneys, and to allow them to take full responsibility for discrete cases so that they can learn through experience. To that end, I spend as much time as possible providing guidance and feedback to those young attorneys, which includes assisting them to develop strategies for effectively handling individual cases, and reviewing and critiquing their written work product.”

During slower periods, I spend much of my time supervising my staff of attorneys. One of my priorities is to mentor young attorneys, and to allow them to take full responsibility for discrete cases so that they can learn through experience. To that end, I spend as much time as possible providing guidance and feedback to those young attorneys, which includes assisting them to develop strategies for effectively handling individual cases, and reviewing and critiquing their written work product. I also frequently meet with my clients, who are primarily high level political appointees and career officials in the Federal Housing Administration and the Office of the Assistant Secretary for Public and Indian Housing. The clients consult me regarding legal issues that arise in the implementation of the program areas they oversee, including threatened litigation, or areas where the clients believe they are vulnerable to potential claims. In addition, I spend time reviewing proposed legislative and regulatory actions, in order to attempt to locate and amend any provisions that could lead to future litigation.

\*\*\*\*\*

*Darryl Gorman  
J.D., Harvard Law School, '73  
2006-07 Wasserstein Fellow  
Deputy Attorney General for Rulemaking and Legislative Affairs  
Office of the Attorney General  
Washington, DC*

My typical workday is atypical:

I review and edit draft rulemakings for legal sufficiency after they have been prepared by a general counsel's office in a District government agency. Once these rulemaking are certified for legal sufficiency, they are published and become part of the District of Columbia Municipal Regulations. On any given day, there are usually several meetings to discuss the options and position of the Office of the Attorney General for the District of Columbia (OAG) on legal matters ranging from employee discipline or termination to whether there is greater risk associated with the use of outside counsel or OAG attorneys in resolving a legal matter.

I teach the following classes in the Office so I am often either presenting the information or preparing for these classes:

- Rulemaking
- Legislative Drafting
- Attorney-Client Privilege Issues for Advice Counsel
- Statutory Construction
- Legal Analysis
- Drafting & Monitoring an Attorney's Performance Improvement Plan
- Employee Discipline

As a Deputy Attorney General, I am the senior manager (above the general counsel) for lawyers in seven District of Columbia government agencies: the Alcoholic Beverage Regulation Administration; the Department of Insurance, Securities and Banking; the D.C. Office of Personnel; the Department of Employment Services; the D.C. Taxicab Commission; the State Education Office; and, the D.C. Office of Human Rights. I provide legal and management guidance to these attorneys and receive and evaluate their reports on their actions.

I am also seeking grant support for OAG and responding to questions regarding the administration of grants and to drafting questions regarding memoranda of understanding (MOUs).

\*\*\*\*\*

*Lisa Taylor  
2011-12 Wasserstein Fellow  
Trial Attorney, U.S. Department of Justice, Civil Rights Division, Disability Rights Section,  
Washington, D.C.*

I start my day on the Metro train checking emails and voice mails I received since I left the office the previous day. I usually download the emails to my laptop at home and then spend the train ride to work reviewing and answering emails. I like to make the most of my commuting time. While no day is like another, I summarize my practice as follows:

**Review EEOC Referrals.** The EEOC refers Title I complaints of the ADA to our office, so that we can either issue a right to sue letter or initiate an investigation/lawsuit. My work involves reviewing the entire EEOC file and interviewing the complainant. Once I have a good understanding of the facts of the case, I conduct legal research pertaining to the case. Next, I meet with my reviewer to discuss the facts, the law, and my recommendations for the complaint.

**Lead Investigations.** My office is charged with enforcing the ADA and investigating complaints of disability discrimination. To date, I have investigated allegations for failures to make reasonable accommodations in schools, day cares, hospitals, and places of public employment. Investigations require conducting interviews, reviewing files, requesting background information.

**Lead Settlement Conferences.** When I find violations, as with most attorneys, I try to settle the matter by drafting settlement agreements and negotiating with Respondents about a proposal that would remedy outstanding violations.

**Conduct Site Visits.** In instances where I receive a complaint regarding a lack of accessibility, I visit the site in question with an architect and make an assessment of whether the complaint is accurate.

“My office is charged with enforcing the ADA and investigating complaints of disability discrimination. To date, I have investigated allegations for failures to make reasonable accommodations in schools, day cares, hospitals, and places of public employment. Investigations require conducting interviews, reviewing files, requesting background information.”

**Conduct Outreach.** I am always thinking of ways the Department can improve its service to its constituents. If I come across a disability rights organization, a private law firm, fellows, I make time to meet with them to discuss the work that they/we do, and how we can be of assistance to them.

**Mentor.** I talk to lawyers and law students every week throughout the country about my work as a civil rights attorney, including both my education and disability practice. I also value the importance of networking and try to introduce those interested to people in their preferred practice areas. The Department of Justice is one of the largest law firms in the world and we are made of up of committed folks who enjoy helping others.

**Assist with Education Case Matters.** I worked in the Education Section for 10 years as lead counsel on several cases in active litigation. As such, I assist the Section with fielding calls from the court, private plaintiffs, and counsels for the defendant regarding issues in one of these cases.

At the end of the day, I will PDF documents for my cases/investigations and download case law so that I can review them on the train or on one of the days that I work from home. I also go through and respond to emails accumulated throughout the day and return phone calls.

I believe that I have one of the greatest jobs in the world because I turn stumbling blocks into stepping stones. I fully embrace the notion that “justice delayed is justice denied.” Every day, I have the responsibility to ensure justice for all.

\*\*\*\*\*

## GOVERNMENT – LOCAL

*Astrid Andre*

*J.D. Harvard Law School '98;*

*MPP Harvard University, JFK School of Government, '98*

*2006-07 Wasserstein Fellow*

*Counsel, New York City Economic Development Corporation*

*New York, NY*

As counsel to New York City Economic Development Corporation (NYCEDC) on any given day the range of my responsibilities can vary. The following are examples of tasks that would be completed throughout any given day. The tasks are often completed through internal meetings; conference calls; site visits and other off-site meetings:

Negotiate and draft documents. As NYCEDC counsel I negotiate and draft several documents relating to a variety of matters, including real estate financings; waterfront, planning and land use; and acquisition of services. These documents include, but are not limited to: contracts for property sales and leases; development agreements; license and permits for access to City-owned property; request for proposals (RFPs) for solicitation of services; and consultant and service contracts. The documents are drafted with input and discussion from project managers, and negotiation with other counsel. To accurately address any issues that may arise in a real estate transactions site visits are sometimes conducted to ensure that the documents reflect the actual schematics of any particular site.

Represent New York City Industrial Development Agency (NYCIDA) in financing transactions. The NYCIDA provides companies with access to triple tax-exempt bond financing or tax benefits to acquire or create capital assets, such as purchasing real estate, constructing or renovating facilities, and acquiring new equipment. I serve as the legal representative of the NYCIDA, in conjunction with outside bond counsel, on several NYCIDA projects. As the legal representative I work closely with bond counsel to negotiate and draft documents on behalf of the NYCIDA.

Provide review of proposed programmatic initiatives. In some instances NYCEDC initiates new programs. As counsel I work closely with project managers to discuss and assist with any legal issues that may arise in implementation of new programs. I also provide assistance in evaluation of proposals that are collected for new programs.

Serve as representative for certain task force groups. At times, there are certain working groups with representatives from agencies throughout the City that are formed to address certain new issues. These working groups often meet monthly to finalize an inter-agency City-wide approach to a certain problem with a focused list of recommendations. In the past I have participated in a working group which focused on implementing green building requirements. I currently serve as a representative on the New York City Commission on Women's Issues.

\*\*\*\*\*

*Michael Best  
Harvard Law School, 1991  
2009-10 Wasserstein Fellow  
General Counsel, New York City Department of Education  
New York, NY*

As General Counsel for the New York City Department of Education, I am a member of the Schools Chancellor's cabinet, and I perform two roles. The first is to counsel the Chancellor and the rest of the cabinet on legal, labor, compliance, audit and investigative matters. The second is to manage the General Counsel's office, which consists of ten different divisions and a large staff.

One of the things I like about my job is that there is no "typical" day. Every day is filled with meetings, phone calls, emails and discussions about a wide variety of issues facing the school system and the General Counsel's office. On any given day, I might work on management issues involving my office; litigation strategy decisions; political issues arising out of a lawsuit or audit; contractual issues for a major Department of Education project; investigations of alleged wrongdoing by Department personnel; and a host of other matters, including questions about the governance of the school system and how to implement major reforms within the context of the relevant federal, state and local statutes and regulations. I work on many different issues during the course of any day, and I interact with people across the entire Department all day long.

My day usually starts at about 7 AM, as I leave my home. There are usually email messages on my blackberry from the night before or early in the morning. They are often from the Schools Chancellor or the Deputy Mayor who works on education issues. Some of the emails will involve parent complaints or questions from principals, some will involve

"On the other hand, I get very involved in matters that have systemic significance for the Department or have attracted media attention. For example, the State Legislature recently passed a statute reauthorizing mayoral control of the New York City schools but adding a number of new processes and requirements to our governance law. Ensuring that we comply with the new requirements currently takes up a substantial amount of my

emergency situations where legal guidance is needed quickly, and some will involve major policy issues where the Chancellor or another cabinet member is requesting advice.

In general, I focus on larger issues facing the Department and delegate most of the day-to-day matters to my staff in the relevant division. I will usually ask my staff to handle a question involving an individual lawsuit or investigation, and I expect the heads of the various divisions to keep me posted when matters need to be brought to my attention (or the Chancellor's). On the other hand, I get very involved in matters that have systemic significance for the Department or have attracted media attention. For example, the State Legislature recently passed a statute reauthorizing mayoral control of the New York City schools but adding a number of new processes and requirements to our governance law. Ensuring that we comply with the new requirements currently takes up a substantial amount of my time.

While I spend some time writing or editing documents such as administrative decisions or regulations the Chancellor is going to issue, I spend most of my day talking to people, whether in scheduled meetings, impromptu discussions, or on the telephone. I attend the Chancellor's cabinet meetings, where we discuss significant decisions facing the Department. I hold regular meetings with the division heads who report to me to discuss their divisions' operations and difficult cases or issues they are handling. I meet with Department officials about various projects and initiatives. I wander by the desks of our legal staff to discuss cases they are handling or research they are doing. And I keep a chair by my desk, for anyone in the Department who wants to sit down and ask me for advice. It gets used a lot.

\*\*\*\*\*

## LEGAL SERVICES

*David Finger*  
*J.D. Seattle University Law School '02*  
*2008-09 Wasserstein Fellow*  
*Staff Attorney, Katrina Clinic, Loyola Law School*  
*New Orleans, LA*

Typically, my day begins with a 30-45 minute run. I have found that it is essential to find time for both exercise and reflection and running accomplishes both for me. I usually run with two other public interest attorneys so my run also includes a fair bit of work discussion as well.

In the first few minutes I am at my desk, I generally make a short list of tasks that must be finished that day such as urgent client and other call backs, court filings, and attention to student assignments. Then, my day moves into high gear with email and voicemail checking. I receive approximately 10-15 calls per day from new prospective clients. I handle individual housing related cases and do impact litigation on post-disaster and government accountability issues. I teach a clinical course—Community Justice Clinic.



For me, the entire day is a balance between finishing work due that day, research/writing/conference calls for work due in the near future, returning phone calls, and handling emergencies that might require court appearances or urgent policy advocacy at the state, federal, or local level. This week, for example, I will testify at both a state legislative committee and before the New Orleans City council. I receive numerous calls and inquiries from visiting groups of law students especially around the school breaks and where time permits, meet with these groups to discuss housing and human rights issues. I also regularly meet with law students interested in public interest work and various student groups.

“I often attend community group meetings especially in the evenings. On the weekends, typically once or twice a month, I provide a legal clinic in conjunction with a community group in various neighborhoods around New Orleans. I regularly participate in a monthly “organizer’s roundtable” where community leaders from grassroots organizations around New Orleans share ideas and strategies, and discuss issues and upcoming programs.”

I often attend community group meetings especially in the evenings. On the weekends, typically once or twice a month, I provide a legal clinic in conjunction with a community group in various neighborhoods around New Orleans. I regularly participate in a monthly “organizer’s roundtable” where community leaders from grassroots organizations around New Orleans share ideas and strategies, and discuss issues and upcoming programs.

\*\*\*\*\*

*Levon Henry*  
*University of New Mexico School of Law, '94*  
*2008-09 Wasserstein Fellow*  
*Executive Director*  
*DNA-People’s Legal Services, Inc.*  
*Window Rock, Navajo Nation, AZ*

*“The cry of the poor is not always just, but if you don’t listen to it you will never know what justice is.” - Unknown*

It’s been some time since I’ve seen the inside of a court room and stood before a judge arguing the merits of my client’s case. But I still remember the nervous butterflies and the rapid heart rate waiting for the judge to walk into the courtroom. Do I have every piece of evidence ready? What was the name of the case I read last night and will it help me here today? What is the name of the attorney sitting at the other table? He just said his name five seconds ago. It’s been over twenty years since I first walked into a courtroom with a case file; I still remember.

Over the past several years, as Executive Director of a large Indian legal aid firm and as the Attorney General for the Navajo Nation, I get to see young attorneys start their careers essentially the same way I did; sweaty palms and all. The one difference they have that I did not is someone to prepare them for every possible contingency and, at times, to be there next to them when the judge walks into the courtroom. Every young attorney has the skill to competently represent their client but it is a tremendous help to know someone has been there and may offer guidance along the way.

A typical day would start by dealing with that daily mistress, her name is Email. She never lets me stray too far or to neglect her throughout the day. My day includes a variety of administrative issues from legal services compliance questions to listening to the latest personnel crisis. It takes patience, something I have acquired over the years, to maintain focus on issues that arise on any given day. I deal with several sections of the DNA Program (Litigation, Grants Management, Development, Accounting, Purchasing and IT) on most days. Throw in meetings with state/tribal bar foundations, commissions, tribal judges and Native organizations throughout the county; which leads to a full day.

“The highlight of any day is when a young litigator comes into the office to talk about case strategy...To see the excitement and energy in a young litigator is a reminder of who we are, Dinébe’iiná Náhiilna be Agha’diit’ahii (DNA), a Navajo phrase meaning “Attorneys who contribute to the revitalization of the People.”

The highlight of any day is when a young litigator comes into the office to talk about case strategy. The discussion could be on the latest federal court case and a decision of appeal or a tribal case involving an issue of tribal/state jurisdiction or to talk strategy on a minute procedural issue in a family law case. To see the excitement and energy in a young litigator is a reminder of who we are, Dinébe’iiná Náhiilna be Agha’diit’ahii (DNA), a Navajo phrase meaning “Attorneys who contribute to the revitalization of the People.”

\*\*\*\*\*

*Bill Lienhard  
J.D. Boston College Law School 1995  
2007-08 Wasserstein Fellow  
Project Director, Mental Health Project, Urban Justice Center  
New York, NY*

One of the best things about a career in public interest law is that there is no such thing as a typical day. Nonetheless, I'll try to present a reasonable amalgam.

I begin the day photographing a protest outside Governor Spitzer's Manhattan office to persuade him to sign a bill banning the use of solitary confinement for prisoners with severe mental illness. The protest is led by RIPPD (Rights for Imprisoned People with Psychiatric

Disabilities), a self-governing grassroots group of former inmates with mental illness and their loved ones which we started several years ago. The police show up, and there's an argument over what side of the street RIPPED can march on, but fortunately no one is arrested. In the press frenzy following the protest, someone emails some of my digital photos around; one ends up later on the front page of the New York Law Journal.

When I get back to the office, I have a message from a psychiatric patient at Bellevue Hospital. He's about to be discharged, and he has nowhere to stay, no income, and his Medicaid's not working for some reason. I call him back, but the number he gave me is for the nurse's station, and no one seems to know where he is. I ask a social worker to rush up to Bellevue to find out what's going on and I tell one of my staff attorneys that he may have to sprint to court to file a temporary restraining order to stop an illegal discharge.

“For a late lunch, I head to a large mid-town law firm to meet with a leader in mental health, who also happens to be a partner at the firm. We really just mean to chat, but end up brainstorming a class action to enforce Timothy's Law, a recent New York Law requiring insurers to provide relatively equal mental health and physical health benefits.”

Next, I call my cousin's friend's fiancé's sister. She's the manager for a very well-known artist, and I'm trying to persuade her to ask the artist to make a donation to our annual SoHo Silent Art Auction, which helps fund our systemic litigation. I've made hundreds of similar requests and been rejected outright, so I'm surprised and elated when she agrees. My elation quickly disappears when I check my mail and discover that a large foundation has rejected our application for funds to litigate for reasonable accommodations for welfare recipients with psychiatric disabilities.

For a late lunch, I head to a large mid-town law firm to meet with a leader in mental health, who also happens to be a partner at the firm. We really just mean to chat, but end up brainstorming a class action to enforce Timothy's Law, a recent New York Law requiring insurers to provide relatively equal mental health and physical health benefits. After that meeting, I have to run across town to another big firm to plan their pro bono work on Harris v. Eggleston, our food stamps case which may bring several million dollars in food stamps to New Yorkers this fall (if all goes well).

Back at the office, I find out that my staff has established a tense truce with Bellevue over the psychiatric patient. They've agreed not to discharge him immediately, but imply that they'll send him to a state psychiatric institution if we don't come up with a plan quickly. We decide to hold off on the TRO for the moment and work on finding housing and applying for benefits for the patient. I get through about half of my emails and phone messages before I have to leave to pick up my young daughters.

\*\*\*\*\*

*Nina Perales  
Columbia University School of Law  
2009-10 Wasserstein Fellow  
Southwest Regional Counsel  
Mexican American Legal Defense and Educational Fund, San Antonio, TX*

On a typical day, I arrive in the office at about 8:40am after getting my children off to school. In the earliest part of the day, I answer emails, check news clips and try to get work done on my own cases before the other attorneys arrive to start their day. As the other attorneys come in, they typically check in with me and we talk about the progress of their cases and what they plan to do next. Right now, we are also in the middle of an intense Census outreach campaign so I meet with the organizers in the morning to discuss the progress of our Census outreach work. The rest of my day is less predictable as I alternate between working on my own cases (legal research, writing, phone calls and email to clients, colleagues, and co-counsel) and supervising the work of the other attorneys in the office. Because I review all the court filings before they leave the office, part of my day is typically spent reviewing motions, briefs or other legal documents and making edits or approving the final product for filing.

“Because our office conducts litigation in a nine-state region, many days are not typical. Often I will travel for depositions, client meetings, or court appearances. I may travel to the state capitol in Austin with my Legislative Staff Attorney to give testimony or serve as a resource to legislators during the session.”

Because our office conducts litigation in a nine-state region, many days are not typical. Often I will travel for depositions, client meetings, or court appearances. I may travel to the state capitol in Austin with my Legislative Staff Attorney to give testimony or serve as a resource to legislators during the session. I also travel to deliver Continuing Legal Education talks to lawyers and make presentations to students at universities.

If I am in the office on a particular day, I will try to leave in time to have dinner with my husband and children. Typically, however, my husband and I alternate who will feed the kids and who will stay late at work, so some of my days are long and others more normal. When preparing for trial or an important legal argument, I will be in the office consistently on the weekends and late at night while my husband takes more of the responsibility at home. This past weekend, my husband and I both worked and my children earned extra money putting together Census education packets in my office.

\*\*\*\*\*

**NON-PROFIT**

*Paul Achitoff  
J.D., Columbia Law School, '83  
2006-07 Wasserstein Fellow  
Managing Attorney, Earthjustice, Hawaii*

*Honolulu, HI*

As the managing attorney of Earthjustice’s Hawai’i office, I’m responsible for both carrying a full litigation case load and overseeing the operation of a small Honolulu law office with four attorneys, a secretary and an office manager. My responsibilities include hiring, supervising, and retaining employees, keeping track of our budget, working with the office manager to invest in technology, and making day-to-day decisions needed to keep the office functioning smoothly and productively, from choosing books for the library to making a judgment call in an ongoing lawsuit to working through a personnel issue with a staff member. All six of us have worked together closely for years, and it’s no exaggeration to say we’re like a family. We operate by consensus whenever possible, but I have ultimate responsibility for all of the decisions.

Like many litigators, I spend most of my time researching and writing briefs; I consider persuasive writing to be the single most important skill an effective litigator must possess, so it’s fortunate that I enjoy it. Unlike most attorneys in private practice, I also do extensive work with the media and state legislature, organize the community and client groups, work with grant writers to seek funding, write op-ed pieces for local newspapers, and work with filmmakers to produce films highlighting issues on which I work, all of which is needed to gain support for and hold on to our legal victories in the court of public opinion.

“Unlike most attorneys in private practice, I also do extensive work with the media and state legislature, organize the community and client groups, work with grant writers to seek funding, write op-ed pieces for local newspapers, and work with filmmakers to produce films highlighting issues on which I work, all of which is needed to gain support for and hold on to our legal victories in the court of public opinion.”

I also spend time on a variety of matters not directly connected to any particular case, which are nonetheless related to our mission in one way or another. For example, teach classes at the local law school and advise law students, attend public hearings on environmental issues to provide testimony, and speak on panels to increase public awareness of important issues. Since Earthjustice is a national firm with offices from Juneau to Tallahassee, I also have input into organizational matters of general concern, coordinate with attorneys in other offices on cases with overlapping issues, and brainstorming meetings to further our overarching mission to protect the natural environment and public health.

While some of our work comes to us from potential clients, we often take the initiative to develop cases based on our sense of the most important issues confronting Hawai’i and the Pacific. We look for cases that may have significant precedential impacts, affect unique natural resources or large numbers of people, and that likely will not be brought unless a public interest firm like Earthjustice gets involved. In recent years we’ve focused energy on restoring streams that have been diverted for many decades, to support native stream animals and traditional Native Hawaiian practices; protecting endangered species, of which Hawai’i has a tremendous



number; challenging industrial agricultural practices, such as genetic engineering and irradiation, and industrial fishing practices, such as longlining; preventing adverse effects of the cruise ship industry; and limiting the environmental and health impacts of Hawai'i's substantial military presence.

\*\*\*\*\*

*Jody Adler*

*JD, Depaul University College of Law, 1981*

*2011-12 Wasserstein Fellow*

*Director, Law Project, Chicago Lawyer's Committee for Civil Rights, Chicago, IL*

For over twenty-five years The Law Project of the Chicago Lawyers' Committee for Civil Rights has coordinated free legal assistance from many of Chicago's top law firms to support nonprofits and low income entrepreneurs. Our work supports three distinct groups of clients: nonprofit community based organizations, low income entrepreneurs and low/mod income first-time home buyers. Our volunteer attorneys represent these clients on business issues; corporate structuring, lease and contract negotiation, trademark regulations, employment and tax exempt organization issues. We also host workshops on topics of interest to nonprofit organizational staff, boards and entrepreneurs. This is all done with two full time attorneys, one part time attorney and an office administrator.

I am one of the full time attorneys. When I was promoted to my current position, I retained all my prior job responsibilities so my typical day is divided between working with clients and directing our programs. Here is an example from earlier this week. I arrived at the office at 8:00 a.m. and checked email to see if there was any client or staffing issues to be addressed. I prepared for a 9:15 staff meeting, emailing the agenda to staff. At the meeting, we reviewed the TLP organizational goals for the 2012, the need for staff to provide me with 4 individual goals to align with the office goals by January 31, identified articles, including client success stories, for our upcoming newsletter and reiterated the need for timely responses to emails. We are interviewing for a part time outreach coordinator and discussed the upcoming interviews.

“While working on the revisions to the grant proposal, I was responding to emails from several nonprofit clients. An example is a nonprofit that is dissolving. This client is having difficulty with employee layoffs and outstanding creditors. Unfortunately, due to perceived conflicts with one of the organization's creditors, I have not been able to recruit a volunteer attorney so at the moment I am representing them.”

As soon as the staff meeting concluded, I began work on revisions to a grant proposal that was due the next day. Although the Lawyers' Committee has development staff, as the director of TLP, I have to assure that the information being provided is accurate. Also, it is my responsibility to give the grant writer the information about our goals and objectives for the upcoming grant term, including examples of how we met the goals from the prior year. I met individually with Angie and Erica, the other TLP attorneys, to get their feedback about success



stories for the proposal. Our office administrator maintains our database of client information so she and I discussed the reports she would need to generate to give accurate data to the funder.

While working on the revisions to the grant proposal, I was responding to emails from several nonprofit clients. An example is a nonprofit that is dissolving. This client is having difficulty with employee layoffs and outstanding creditors. Unfortunately, due to perceived conflicts with one of the organization's creditors, I have not been able to recruit a volunteer attorney so at the moment I am representing them. I also spent time recruiting, via email, employment attorneys. I have two clients with employment related issues. Both are community organizations, one develops affordable housing and has counseling services in a Latino neighborhood in Chicago and the other provides job skills training in the trades and operates a construction business. The first client has an issue about workers compensation; the second client has questions about unemployment compensation. My staff does not have the background to respond to these questions but we have a panel of employment attorneys who have agreed to take these calls. Part of my day was spent reaching out to the panel to coordinate representation for them.

While I was trying to identify attorney volunteers, I received a copy of a real estate tax bill by facsimile from a nonprofit client that runs a veterans center. We spoke last week and I said I could find a real estate tax attorney to review the bill to see if they were being properly assessed. I scanned the tax bill and emailed it to a volunteer attorney who will review it and get back to me if there are any options for reducing the client's tax liability.

I ate at my desk while I was juggling these things and at 2:00 left the office for a meeting at the law firm of Seyfarth Shaw. I met with a volunteer attorney and the executive director of a nonprofit client that operates a program teaching inner-city youth about the freedom movement and how to engage in advocacy. The client also acts as a fiscal sponsor to smaller groups and one of the leaders of the one of these groups asked to be placed on the client's payroll. We discussed the representation by the volunteer attorney, executed an engagement letter and began a discussion about the consequences of adding this person to the client's payroll.

I returned to my office at 3:30 for a scheduled interview with one of the candidates for our job opening. After the interview, Angie, Erica and I discussed the candidate and outlined our views. The grant proposal was due at 5:00 and I was able to review the final draft, make a few additional changes and approve it for filing on time!

My day ended with a 5:30 conference call about a benefit for Changing Worlds. Changing Worlds is an educational arts nonprofit organization whose mission is to foster inclusive communities through oral history, writing and art programs. I am on the board and on the benefit committee. During the call we discussed the raffle, a silent auction, honorees, etc. The call concluded at 6:40 and I headed home.

\*\*\*\*\*

*John Affeldt*

*J.D., Harvard Law School, 1992*

*2011-12 Wasserstein Fellow*

*Managing Attorney, Education Program Director, Public Advocates Inc., San Francisco, CA*

Public Advocates' community partnership model of advocacy integrates the tools that we bring—namely, litigation, state and federal policy advocacy, media advocacy, and research translation—into our partnerships with grassroots, community-based organizations. Through authentic and long-standing relationships with community organizations, we jointly design and execute short and long-term reform campaigns that endeavor both to achieve tangible legal and policy victories and to build informed, active, and sustained reform movements.

My day-to-day work will focus on one or more of these tools (or the underlying work needed to sustain our organization and the larger effort). Some examples of activities associated with these tools follow. Not all of these examples of activities will be engaged in every day but on any given day, the odds are that activities from three or more of the six categories have been undertaken.

#### Litigation:

- Assign/review legal memoranda analyzing a potential new case against a state actor; convey the follow-up research questions.
- Prepare for upcoming court argument.
- Conference call with pro bono co-counsel and internal team on our appellate legal strategy as we begin to outline the big concepts for our opening brief.
- Team meeting with colleagues on a new case; discuss plan for plaintiff outreach; possible pro bono counsel; media and legal strategy.

#### Policy Analysis and Development:

- Draft language for new bill that we're sponsoring to study how equitably the State is implementing a rigorous new curriculum in low-income, high minority schools.
- Review Sacramento policy team's analysis of education bills we should support and oppose this session.
- Conference call with other policy advocacy groups to explore whether we can reach common positioning with respect to Governor's new budget proposals as they impact low-income students and English Learners.
- Set up meeting with unions, administrators, and school board stakeholder groups to discuss common ground and disagreements with our bill to establish a new teacher evaluation system.
- Conference call with our national Coalition for Teaching Quality discussing recent House bill to reauthorize the teacher quality aspects of federal No Child Left Behind Act and minority Democratic proposed amendments; strategize next steps on the Hill.

#### Grassroots Partnering:

- Bi-weekly call as member of the Coordinating Committee for the Campaign for Quality Education (CQE); discuss strategy for annual May action in Sacramento—student and parent mobilization; media plan; policymaker outreach.
- Work on powerpoint presentation for national Education Organizing Conference re best practices for advocates and grassroots organizer partnerships.

- Handle call from grassroots partner whose clergy members have scored a meeting with the Governor; provide technical assistance re operation of state’s complex school funding mechanics as background for their conversation.
- Outreach call to grassroots group to educate them on the principles behind the national Coalition for Teaching Quality working on federal teacher quality reform; explore their interest in joining the Coalition.

“Draft op-ed on the Obama Administration’s failure to maintain adequate preparation standards for teachers in low-income, high minority schools for Huffington Post blog.”

Communications:

- Draft op-ed on the Obama Administration’s failure to maintain adequate preparation standards for teachers in low-income, high minority schools for Huffington Post blog.
- Call from reporter for daily California education blog re our take on the Governor’s proposal to reform the State’s school finance system; educate him re the potential promise but also the major pitfalls as currently proposed.
- Conference call with Coalition for Teaching Quality subcommittee on communications; strategize re media plan for the year, including how to position a story or column in New York Times or Washington Post.

Research:

- Review recent study re validity of use of student test scores to measure teacher effectiveness, academic analyses and media reports re same.
- Register (and clear the calendar) for conference at Stanford with officials from Finland on how their school system has achieved both excellence and equity.

Sustaining the Effort:

- Email potential funder with a pitch for a conversation about our work.
- Continue drafting final report for grant on teacher quality advocacy; review financial report with CFO.
- Meeting with management team to discuss professional development needs and career ladder for junior attorneys.
- Outreach to community partners to attend annual dinner and to law firms to support annual dinner.
- Set aside time at end of week to THINK—to review progress on major policy campaign goals and strategize next big steps.

\*\*\*\*\*

*Neelum Arya*

*JD, University of California, Los Angeles, 2003*

*2011-12 Wasserstein Fellow*

*Research & Policy Director, Campaign for Youth Justice, Washington, DC*

8:00 am            **Wake up, get ready**, and check emails periodically to see if there is anything urgent to respond to before I make it into the office.

10:00 – 10:30 am    **Arrive at the office.**

10:30 – 11:00 am    **Read/monitor listserv emails and websites** and print any new reports or documents to read later.

11am – 12:30 pm    **Respond to email information requests.** Generally this means providing research assistance to someone in the media or in another organization.

Media: The majority of the major juvenile justice media stories touch our office. Our media director has active relationships with the reporters who cover juvenile and criminal justice issues and they usually ask for our opinion on pending issues or assistance with background information. I usually provide background facts and summaries of the latest research. CFYJ will usually be quoted in stories directly addressing youth in the adult system and I often will brief our CEO on the key points to stress before she speaks with the reporter.

Research Assistance: Since I monitor developments in the field, I am often asked for where to find research or cross-state comparative information. For example, many defenders representing youth in adult court are interested in successful legal challenges to transfer laws in different states. I routinely answer these requests by providing a thorough email with all of the background information they need to get started on thinking through legal challenges in their state.

12:30 – 1:30 pm    **Lunch with coworkers** where we discuss developments in our state campaigns, troubleshoot how to overcome political obstacles, and brainstorm new strategies for our projects.

1:30 – 4:00pm    **Project work.** Unlike traditional legal work involving cases, I have discrete projects that I work on with specific desired outcomes. These projects are free-form, and require a variety of different tasks including emails, calls, meetings, conferences, or drafting written documents. It is not uncommon for me to work on 5 or 6 projects at a given time. These are multi-year projects usually with discrete interim events or products that I work on. My most active current projects are:

### Federal/National Level Projects

Prison Rape Elimination Act (PREA) – I am trying to ensure that the soon to be released PREA regulations will adequately protect youth in adult facilities. I coordinated the response for the field for multiple comment periods, and now monitor word of mouth developments about behind the scenes actions within the Department of Justice. When the regulations are released, I will draft summaries of the regulations with the most favorable interpretation for our position.

Improved Data – The availability of data on youth tried as adults is weak at the federal, state, and local levels, and this lack of data directly inhibits our ability to advocate for change. For the past several years I have worked to improve the availability of data by working with federal agencies such as the Office of Juvenile Justice and Delinquency Prevention and National Institute of Corrections, and statisticians at the Bureau of Justice Statistics, National Center for Juvenile Justice, and the Annie E. Casey Foundation initiative, Kids Count. I am currently drafting a white paper describing deficits in data collection at the federal and state levels, and coordinating a meeting with the relevant stakeholders on ways to address these deficits in the summer.

Legal Challenges to Housing Youth in Adult Facilities – I am at the initial stages of a project with the ACLU National Prison Project to identify 8<sup>th</sup> amendment challenges to housing youth in adult facilities. The legal strategy will develop in response to the PREA regulations and other state efforts.

### State Legislative Campaigns

My organization provides significant support to legislative campaigns working to remove youth from the adult system in states across the country. In each of the campaigns we offer different levels of support depending on the situation on the ground. These are my most active states this year:

Washington – I provide advice to a WA organization about strategy, coalition-building, assist with legislative testimony, and conduct analysis of statewide data on racial disparities.

Colorado – I assist the CO organization with the development of a new report on youth tried as adults in CO. This means suggesting data points to collect, helping to interpret data findings, framing the key findings, providing suggestions on effective graphics for the report and media (e.g., tables/figures), and instructions on how to managing the overall production process.

Nevada – I work directly with the state legislative champions to identify potential legislative changes to the NV statute; develop a legislative strategy to achieve passage; and implement strategy.

Missouri – I provide assistance to a MO organization on what policy options to consider in the state, and conduct analysis of available statewide data.

4:00 – 8:00 pm **Work on writing projects.** In addition to the work described above, I am also the lead author of CFYJ publications. Each publication has a strategic goal to fill, but most respond to information deficits in the field, generate media, and are written to meet the needs of policymakers. My current writing project is *Family Comes First: A Vision for Transforming the Justice System by Honoring Families*. The report will document positive ways juvenile justice agencies are working with families. The project involved an extensive literature review, site visits to see programs on the ground, and focus groups with system-involved families.

\*\*\*\*\*

*Eric Brettschneider*  
*J.D., Hofstra University Law School, '79*  
*2005-06 Wasserstein Fellow*  
*Executive Director, Agenda for Children Tomorrow ACT*  
*Brooklyn, NY*

8am Co--Chair Citizens Review Panel meeting. Topic: Permanency Planning, Overbroad Child Protective System.

9:30am Conference call with Eugene Eisner Esq. (Eisner & Associates, P.C.) re : Executive Director of Nonprofit seeking severance.

10am Chair Association of the Bar of the City of New York, Council on Children meeting. Topic: Access to Data for Research Law.

11am Interview and assist 3 recent graduates with career plans.

12pm Meet with Bushwick Agenda for Children Tomorrow Collaborative re: Housing Issues - Gentrification.  
Report on Pro Bono defense of tenant organizers with Sullivan & Cromwell.

1pm Conference call with Commissioner John Mattingly ( NYC Administration for Children's Services Commissioner)  
re: Child Welfare Financing Subcommittee Advisory Board



- 2pm New Yorkers for Children Board meeting to discuss distribution of 9/11 funds from Annie Casey E. Foundation.
- 3pm Meeting with Judge Lippman (Chief Administrative Judge)--Interpreters in the Court Advisory Group meeting.
- 5pm Drinks with summer interns--celebratory, thank yous----debrief on activities/summer projects.
- 6:30pm Prepare syllabus for Community Empowerment / Social Work classes at NYU.
- 7:30pm Fundraising dinner / dance at Jumpstart (a literacy / mentoring; Americorp/day care initiative)
- 9pm Dinner with wife, Jean, before she reports to work at ABC where she is a producer (overnight news).

\*\*\*\*\*

*Steven Choi*  
*J.D., Harvard Law School, 2004*  
*2009-10 Wasserstein Fellow*  
*Executive Director of YKASEC – Empowering the Korean American Community*  
*Flushing, NY*

As the E.D. of a small non-profit organization, I’ve got a lot of different responsibilities – this requires me to be flexible, organized, and “in the moment.” I will interact daily with my 10 other staff, board members, allies, funders, community members, etc. It’s vital to balance both long-term objectives with short-term decisions. A sample of my “typical” workday is as follows:

9:30 am: Arrival in the office (work hours are 10:00 am to 6:00 pm). This time is valuable, as no one else is usually in the office and I can concentrate and focus before the “storm” hits. I make my coffee, review long-range tasks - implementing a new client database, planning an individual giving drive, reviewing progress on our voter mobilization efforts. From this, I create a “Today” list of the tasks I plan to do today and tomorrow, and also review my schedule for the day.

10:00 am: As my staff arrives, I walk around and greet them and see how they’re doing. Although our office has no walls/cubicles (which allows for perhaps too much interaction!) it’s important for me to take the pulse of staff.

10:15 am: Call-backs & follow-ups. I look at my email/voicemails, mark the ones I need to deal with ASAP, and begin to respond. Given my volume of email I get, it’s important to restrict my email usage to certain times – otherwise I’d be just emailing people all day.

10:30 am: Prepare for a bi-weekly meeting with my senior staff. I review the notes of the prior meeting, think about updates and other issues to raise, and develop a brief agenda.

11:00 am: Bi-weekly meeting with my four other senior staff who coordinate our four separate programs. This time is for honest, frank discussion about each program area – what is working and what isn't. It's also a time where I can set major directions and outline my priorities.

12:00 pm: Weekly meeting with my Advocacy & Organizing staff, to discuss our community organizing campaigns, progress and update on tasks from our last meeting.

1:00 pm: Lunch. At our organization, we all enjoy a communal lunch prepared by staff on a rotating basis (including me). We have a rule restricting conversation to non-work-related items!

2:00 pm: Meet briefly with our development associate to discuss upcoming funding proposals. Although I spend less time on fundraising/development than most EDs, I still interact daily with our development associate and personally review all our funding proposals and letters of inquiry.

3:30 pm: Conference Call with pro bono co-counsel to discuss a case. Although I don't do as much our litigation (immigration, housing, labor) since I've hired staff attorneys, I still serve essentially as the "managing attorney" given that I have a lot more Federal litigation experience. In this call, we discuss strategy and how to approach settlement negotiations with defendants.

4:00 pm: Break to clear my head. Extremely important!

4:15 pm: Resume my call-backs/follow-up emails to organizational allies and funders. I try to spend at least 1 hour per day maintaining these external relations.

5:00 pm: Drop in on a weekly case review meeting with Social Service staff and attorneys. We have a communal case review system where we review most of our cases in detail as a group; I often try to stay in the background and draw out others' opinions – a Socratic approach!

“5:30 pm: Begin my written & strategic work – as staff begin to prepare to leave, it gives me the opportunity to focus on my work. Review and edit text of a voter guide prepared by our Civic Participation staff. Review and comment on a set of interrogatories drafted by a staff attorney. Think over long-term strategic plans such as developing a membership structure, and review preparations for a bi-weekly meeting with our Board Executive

5:30 pm: Begin my written & strategic work – as staff begin to prepare to leave, it gives me the opportunity to focus on my work. Review and edit text of a voter guide prepared by our Civic Participation staff. Review and comment on a set of interrogatories drafted by a staff attorney. Think over long-term strategic plans such as developing a membership structure, and review preparations for a bi-weekly meeting with our Board Executive Committee.

7:10 pm: Finish up any remaining emails/call-backs I need to respond to. Review schedule for upcoming day and week. Organize my workspace and clean up.

7:30 pm: Leave the office.

\*\*\*\*\*

*James D. Esseks*

*J.D., Harvard Law School, '91*

*2008-09 Wasserstein Fellow*

*Litigation Director, ACLU Lesbian, Gay, Bisexual, Transgender & AIDS Project*

*New York, NY*

Call with Project lawyer in Chicago about a case in Indiana involving a woman whose kids have been taken away from her because her ex-husband objects to them living with her current spouse, who is transitioning from male to female.

Conference call with team litigating the challenge to California's marriage amendment (Prop 8) - group brainstorm regarding tough questions we think the court will ask at oral argument and how best to answer them.

Edit a brief for filing in the West Virginia Supreme Court regarding whether an infant could be removed from a lesbian couple that had served as her foster parents for all 11 months of her life in order to place the child with a married heterosexual couple, who would be more "ideal" parents.

Work on expense projections for the project's budget for next fiscal year.

Meet with the Project's public education staffers regarding how to frame the public discussion of our case challenging the State Department's requirement, in government contracts, that the contractors' employees be HIV-negative as a condition of employment.

Talk with ACLU lawyers in Florida about what organizations to ask to file friend-of-the-court briefs in the appeal of last fall's trial court ruling striking down, under the Florida constitution, that state's ban on adoption by gay people.

Edit appeal to foundation for financial support of the ACLU's LGBT work.

"Edit a brief for filing in the West Virginia Supreme Court regarding whether an infant could be removed from a lesbian couple that had served as her foster parents for all 11 months of her life in order to place the child with a married heterosexual couple, who would be more "ideal" parents."

Review a press release regarding a case we're filing in a few days challenging Illinois' refusal to change the gender marker on birth certificates for transgender people who had gender confirmation surgery abroad, rather than by a U.S.-licensed doctor.

Look through 20 requests for assistance from people all over the country and decide whether to say we can't help them or to give the information to a staff lawyer for investigation.

Talk with Project staff lawyer in Nashville about settlement options in an ongoing case against a McDonald's franchise where staff and managers called customers "faggots."

Meet with staffers from another part of the ACLU to try to resolve complaints about how we handled something – internal politics.

Review 7th Cir. decision denying en banc review in employment case about HIV discrimination and talk with Project staffers about arguments for cert. petition.

\*\*\*\*\*

*Hayley Gorenberg*  
*J.D., New York University School of Law, 1992*  
*2010-11 Wasserstein Fellow*  
*Deputy Director, Lambda Legal, New York, NY*

Unless I'm in court, meeting with someone from the Department of Justice, or delivering a presentation to an audience, I am not wearing a suit when I show up in the morning-- increasing comfort and saving on my dry cleaning bills.

I fire up my somewhat out-of-date computer, with its somewhat out-of-date software, which is quite functional but not state-of-the-art, on a nonprofit's budget. I survey a range of email updates about LGBT-related news breaking around the country. (I likely previewed some of the news on my blackberry on the subway to work.) It's thought-provoking, and may alert me to something I think our public education department needs to know, or something that could lead to a case or legal advocacy in one of our regional offices.

"I confer weekly with attorneys I supervise about their cases and advocacy; there may be a particular case we're working up for our Legal Department to consider, and I may have a targeted meeting to discuss the potential. I meet with the head of our media team to discuss a news release on an upcoming settlement. Perhaps there's been a hate crime, or perhaps there's been a new federal policy released on bullying that interprets Title IX in a significant fashion--and we may want to issue a public statement, on which I may

My day is chock-a-block with meetings. In person or by phone, I confer weekly with attorneys I supervise about their cases and advocacy; there may be a particular case we're working up for our Legal Department to consider, and I may have a targeted meeting to discuss the potential. I meet with

the head of our media team to discuss a news release on an upcoming settlement. Perhaps there's been a hate crime, or perhaps there's been a new federal policy released on bullying that interprets Title IX in a significant fashion--and we may want to issue a public statement, on which I may collaborate. Perhaps we are planning the next issue of our electronic newsletter or our magazine, "Impact," and I will sit with a group drawn from across the range of our departments (Legal, Education and Public Affairs, Development) to bat around ideas to balance content and approach. Maybe I need to meet with our fundraisers about approaching a foundation for funding.

Maybe I'm traveling today, to meet with students interested in public interest law. Maybe some of them want to intern at Lambda Legal or apply for a fellowship project with us. Perhaps I'm addressing a bar association or professional association, or traveling to Washington, DC to meet with members of the Department of Justice to discuss our concerns.

At some point I'll multitask sparingly, because I don't believe it really works, to this extent: while I'm on a conference call about, say, how we can convince law enforcement officials to disavow using condoms as evidence of prostitution (a serious public health concern, related to the prong of our mission concerning HIV), I am also signing off on check requests from around the country to pay experts we may have hired in our cases, filing fees, our lean contract with Lexis, travel our attorneys complete to conferences and court appearances.

I will hurriedly eat my brownbag lunch at my desk or, if it's Wednesday, and we're having our weekly departmental meeting, I'll bring it to the conference room, and we'll all gather around a big spider of a conference phone and debate the pros and cons of a case proposal memo a colleague has submitted for all of us to consider. These discussions are probing and smart and utterly confidential. They include strong points and weak points, risk analyses, resource analyses.

I'll leave the office around 5:30 to pick up my daughters from their afterschool program. I'll take a look at my blackberry in the evening, and perhaps I'll discover that an attorney is looking for suggestions on amicus signatories; or looking for a lead on a cooperating attorney from a private firm to team up with us and stretch our resources further on our cases; or trying to figure out whether a particular piece of advocacy constitutes lobbying, and thus must be tracked with an eye toward not violating resource limits associated with our 501(c)(3) nonprofit status. Maybe a potential plaintiff can only be interviewed after 9 p.m., and we'll have a chat. And then the day is done, and tomorrow will likely be very different.

\*\*\*\*\*

*Blan Holman*  
*J.D., University of Virginia School of Law*  
*2009-10 Wasserstein Fellow*  
*Senior Attorney, Southern Environmental Law Center (SELC)*  
*Charleston, South Carolina*

My typical day starts with a bicycle ride through Charleston, South Carolina to the Southern Environmental Law Center's offices on Broad Street. Biking is the fastest commute and, except in August, the most pleasant. Once in the office, things begin with fielding emails from client groups, lawyers and courts. Because our clients range from national groups in Washington

novice local community organizations, and because my practice mixes both litigation and policy work, the range of what happens next is wide. One morning may present a new draft of legislation for comment, the next an electronic notice from federal court transmitting a motion by an opposing party or an order from a judge.

For lawyers who litigate, no day is typical. Life is driven by court-imposed deadlines and tactical pace. That said, we spend many hours drafting pleadings –complaints, motions, responses, appellate briefs. These pleadings tend to be long and detailed because SELC’s cases have more moving parts than a standard civil or criminal matter. While a case may sometimes be resolved within months, most start at the trial court level and involve years of appeals; a few of mine have been pending for over a decade. To get the work done I team up with an associate in the Charleston office and with colleagues from our North Carolina and Virginia offices. We also partner with lawyers from national groups when the case fits into a national campaign like the coordinated effort to clean up coal-fired power plants. We work with expert witnesses to help guide us through more specialized realms like modeling air quality or setting electrical utility rates.

“We also partner with lawyers from national groups when the case fits into a national campaign like the coordinated effort to clean up coal-fired power plants. We work with expert witnesses to help guide us through more specialized realms like modeling air quality or setting electrical utility rates.”

The briefing on paper culminates in hearings before judges and commissions. A key aspect of our written and oral advocacy is distilling complicated subjects down to an essence that lay people can easily understand. Just as important is fitting the matter into a traditional legal framework that makes sense to judges who have little experience with, or taste for, docket-hogging environmental cases. At best, our advocacy efforts make matters not just clear and familiar-seeming, but interesting and compelling in forums not known for their friendliness to environmental plaintiffs.

Beyond briefs or hearings, my days include policy work as well. I could be on a phone call with coalition members strategizing on how to improve a misconceived port terminal proposal, or in meetings with nontraditional allies exploring how to work towards a mutually-beneficial result. Our advocacy involves the media. I try to maintain good contacts with key reporters, feeding them credible information on projects and filing freedom of information act requests to ferret out unflattering government documents for reporters to use. I appear on television and write editorials and statements to present my clients’ side of a particular controversy. Fortunately SELC has a media specialist who trains lawyers to speak like humans.

Occasionally I do some fundraising, be it working with our development staff to write foundation proposals or visiting donors to explain the work we do. This last bit is better than it sounds. Our major donors tend to be like-minded folks who enjoy hearing about how particular campaigns are going and they greatly value our work and mission.



When the work day winds down, it ends with another bike ride. Depending on the litigation deadlines, the sun may still be shining. A main benefit of a job like this is enjoying the environmental and community resources we work to conserve. I make a point of visiting the areas where our projects are active, be it a 4,000 acre riverside tract slated for a power plant development or trout stream buffers that a state agency has decided no longer to protect. The legal issues in our cases are intellectually stimulating, and litigation is always exhilarating, but visiting an area whose fate may be in the balance often is the greatest motivation of all.

\*\*\*\*\*

*Michael Kirkpatrick*  
*J.D., American University, Washington College of Law, '91*  
*2007-08 Wasserstein Fellow*  
*Staff Lawyer, Public Citizen Litigation Group*  
*Washington, DC*

The Public Citizen Litigation Group (PCLG) is a public interest law firm founded by Ralph Nader and Alan Morrison in 1972. PCLG is a division of Public Citizen, a national, nonprofit public interest organization. We litigate cases at all levels of the federal and state judiciaries, and we have a substantial practice before federal regulatory agencies. We specialize in health and safety regulation, consumer rights, including class actions and access to the courts, open government, and the First Amendment, including internet free speech. These efforts are pursued through litigation and through programs such as our Supreme Court Assistance Project (SCAP), Consumer Justice Project, and Freedom of Information Clearinghouse.

Because we are litigators, our work is deadline driven. Thus, a typical workday involves legal research and brief writing, often for cases on appeal. In the trial courts, many of our cases are resolved by dispositive motion, so we often draft briefs in support of, or in opposition to, motions to dismiss or for summary judgment. We may also be preparing for oral arguments.

PCLG is a very collegial law office. Part of almost every day is spent discussing legal strategy with other attorneys in the office, and reviewing and commenting on each other's written work. We typically hold moot courts to help each other prepare for oral arguments. In addition, we often co-counsel with other attorneys, so part of each day is spent coordinating efforts with our colleagues around the country and discussing potential cases or offering advice on particular issues. Through SCAP, we assist attorneys with cases before the U.S. Supreme Court, including brief writing and holding moot courts.

\*\*\*\*\*

*Craig Levine*  
*J.D., New York University School of Law, '91*  
*2006-07 Wasserstein Fellow*  
*Senior Counsel & Policy Director*  
*New Jersey Institute for Social Justice, Newark, NJ*

While there is no typical day at the Institute for Social Justice, given our multivariate approach to our work, this list should provide an understanding of some of the activities of the organization in which I am regularly engaged:

- Writing an appellate brief, likely in partnership with a law firm, on an issue of concern, or presenting an oral argument;
- Preparing or delivering legislative testimony;
- Meeting with colleagues and external allies to strategize regarding an ongoing advocacy campaign;
- Writing a monograph on a policy issue;
- Supervising the Institute's legal staff;
- Meeting with government officials (city, county or state), in either an advocacy or consultative context;
- Working with researchers to help frame their work on innovative policy approaches to social problems;
- Organizing or participating in convenings of policy and/or legal experts, state and/or national, to share ideas regarding difficult problems facing New Jersey, and to learn from other jurisdictions' approaches;
- Discussing pending issues regarding the Institute's on-the-ground demonstration projects (a construction trades pre-apprenticeship program and a transitional employment program for ex-offenders);
- Interviewing and recruiting potential new staff members;
- Meeting with the media to attempt to advance our agenda;
- Meeting with trustees, both to update them on Institute activities and to seek their substantive input on pending matters;
- Teaching a class (this is outside my Institute capacity, but may help provide a fuller picture of my professional life; I teach adjunct, in the evenings, at Seton Hall Law School and Princeton's Woodrow Wilson School); and last, of course,
- Framing a grant or fellowship application or meeting with a potential funder.

\*\*\*\*\*

*Michael LeVine*  
*J.D., Duke University Law School, 2000*  
*2011-12 Wasserstein Fellow*  
*Pacific Senior Counsel, Oceana, Juneau, AK*

As a full-time litigator, I used to spend my days pouring through documents, researching, drafting, and arguing about arguments. I still do some of that, but my work now focuses on using that experience to find opportunities to use the law proactively to further Oceana's goal of bringing about in-the-water protections for our oceans. It is difficult to identify "typical," since most days are different than the previous ones and, very often, different from the way I might have planned. The best way to describe my days would be as an ever-changing mix of invention and review, excitement and email, talking and listening.

Some part of almost every day still is dedicated to documents. I might spend several hours drafting a letter to Secretary of the Interior Salazar on behalf of a number of conservation groups explaining that, contrary to his agency's preliminary conclusion, the law does require baseline scientific information in order to evaluate the potential impacts of selling offshore oil and gas leases. Or, I might spend that time preparing a contract and scope of work for a graphic artist to prepare a brochure for us. I also could be reviewing a press statement providing background and quotations about our decision to join an appeal of Clean Air Act permits awarded to Shell for its proposed exploration drilling. Then, I might review draft pleadings in our ongoing litigation defending the National Marine Fishery Service's decision to increase protections for endangered Steller sea lions.

In addition to paper, every one of my days also involves people. I may receive a call from a reporter asking for background information or quotable material about an upcoming deadline in our challenge to Lease Sale 193 in the Chukchi Sea or EPA's decision to award coverage under a general discharge permit in the Arctic. Also, any given day is very likely to include a teleconference. For example, I might be on one of the weekly calls among representatives from a number of organizations working on Arctic issues or a more targeted conversation among lawyers to develop our thinking about the requirement that an offshore operator have a spill plan capable of responding to a worst-case discharge.

These responsibilities must be fit in and around a significant travel schedule. One of the tenets of our work is the importance of meeting people, experiencing places first-hand, and talking face-to-face. A given day might find me in an Arctic community, like Barrow, Shishmaref, Nuiqsut, or Kaktovik, to meet with local officials and others who depend on the oceans we work to protect. A week or a month later, I might be in Kodiak to attend a meeting of the North Pacific Fishery Management Council and testify on behalf of Oceana about the important story being told by the decline of Steller sea lions in the Aleutian Islands. On another day, I might be in Washington, DC talking with our congressional delegation or the head of the Bureau of Ocean Energy Management, Regulation, and Enforcement about the need for baseline scientific information to guide decisions about offshore oil and gas activities in the U.S. Arctic Ocean.

Then, of course, there are the wildcards. Most days involve one or more unexpected turns or twists. For example, I might spend several hours having dinner with the person in charge of

implementing the president’s executive order on coastal and marine spatial planning because he happened to be in Juneau and found his way to our office. The following day, I might spend an entire afternoon working to get a remotely operated vehicle freed from customs in Chile or trying to negotiate an agreement with the shipping company to get that same ROV to our office in Monterrey. Then, one day later, I might get a call from a congressional staffer asking for a variety of information about oil spill response in the Arctic and then spend time talking with him and compiling information for him.

Though it does sometimes happen, the responsibilities travel, and wildcards generally do not happen all once. More often, though, my typical day begins with an assessment of the impending deadlines and the tasks I hope to accomplish. I try to make a plan that takes into account travel and the likely wildcard or two and then prioritize.

Also, at the end of it all, I am working to make sure that, each day, there is time for that all-

“Also, at the end of it all, I am working to make sure that, each day, there is time for that all-important, but increasingly unattainable undertaking—thinking. Part of my job involves helping to direct our campaign work and to develop new and creative ways to move toward sustainable decisions for our oceans. To help achieve that goal, I try to find time to step back from the daily tasks and chase down one rabbit hole or another to see whether it contains a fruitful idea.”

important, but increasingly unattainable undertaking—thinking. Part of my job involves helping to direct our campaign work and to develop new and creative ways to move toward sustainable decisions for our oceans. To help achieve that goal, I try to find time to step back from the daily tasks and chase down one rabbit hole or another to see whether it contains a fruitful idea. For example, I spent several hours looking at research on economic valuation of public resources and trying to link that research to obligations in the Outer Continental Shelf Lands Act. Though it might sound ethereal, this process is rewarding and, hopefully, will push our advocacy in new, successful directions.

\*\*\*\*\*

*Andrea Marsh  
J.D., Yale Law School '01  
2005-06 Wasserstein Fellow  
Director, Texas Fair Defense Project  
Austin, TX*

While all of the work I do focuses on a single issue – improving Texas’s indigent defense system – I employ many different strategies to advance that issue, including litigation, policy work, public education, and community organizing. Because of that, it is difficult to describe a typical day at my workplace. My work life varies greatly from one day to the next, depending on what type of project I am working on at a given time. The pace of my workday can be slow, if I am in the middle of a big writing assignment, or fast, if I am going from meeting to meeting all day.

Some days are quite solitary, while others are spent in almost constant communication with state and local policymakers, coalition partners, funders, reporters, and/or community members.

There are days during which I do nothing other than work on a legal brief in a civil case in which I am representing a criminal defendant who was denied access to counsel. This is the most solitary work I do, and the work that fits most neatly into my conception of traditional lawyering. I have the luxury of having a very selective litigation docket, and rarely have to manage competing deadlines in several different cases, the way my classmates in private law firms do. I also lack the supervision and, most importantly, the support staff they have access to, and can become stymied by the mechanics of filing and serving a complaint even though I have no problem drafting a response to a motion for summary judgment.

“More frequently, I spend my days working on more general policy matters, which involve tasks such as monitoring news articles and reports about indigent defense developments around the state and country; observing court proceedings in various Texas counties and providing technical assistance to local officials about the operation of their indigent defense systems; and drafting comments about indigent defense policy issues under consideration by the Texas Task Force on Indigent Defense.”

More frequently, I spend my days working on more general policy matters, which involve tasks such as monitoring news articles and reports about indigent defense developments around the state and country; observing court proceedings in various Texas counties and providing technical assistance to local officials about the operation of their indigent defense systems; and drafting comments about indigent defense policy issues under consideration by the Texas Task Force on Indigent Defense. Sometimes weeks go by where it seems like all I am able to do is keep up with the stream of incoming information and respond to ad hoc requests for feedback on and/or assistance with specific issues. During those weeks, I often begin to feel that my job has been reduced to an ineffective triage operation. In my best moments, I am able to pull back and frame a focused campaign strategy and affirmatively attack a particularly important or widespread problem in a meaningful way. Then I will do concerted research and writing on a specific topic over a period of months, usually with the aim of producing a comprehensive report.

Because I do not do a lot of direct representation, it is a challenge to stay connected with the community affected by the system that I am trying to change. For example, I can spend months talking to state and local officials about courts in which hundreds of defendants enter guilty pleas without counsel each week, and begin to get some buy-in for reform at the official level, only to find that the defendants I talk to about this problem are unconcerned and would rather get their cases over with as quickly as possible than wait for appointment of counsel. So well into a campaign I will realize that I need to meet with community members and talk to them about their rights as well as the realities of their situations, and draft public education materials talking to a defendants about how a defense lawyer can assist them in their cases. This is an entirely different kind of writing and speaking than I do when I write for a court or speak to the Task

Force, and something I feel much less prepared for by law school. Documents that are only a page or two long can end up taking almost as much time as a legal brief, as I struggle with message, tone, conciseness, and layout.

I do all of my own fundraising and media work, in addition to the programmatic work. The fundraising has paid off and I now am forming a small staff, which is great in terms of advancing the work but also means that my job now involves the administrative responsibilities of running an organization. As I write this I am in the process of setting up my new office, so my most recent workdays have been spent looking at commercial real estate, drafting a fiscal agent agreement, shopping for office furniture, and interviewing job candidates. All while I have a brief due. It is hard to anticipate what my workdays will be like once my new employees have started and I have settled into my new responsibilities, but I assume that my work will become only more varied.

Overall, I love my job. (And I would have no one to complain to if I didn't love it, because I have created and done the fundraising for every job I have had since my clerkship). I really care about the issue I work on, I have had an opportunity to have a significant impact in my field quite early in my career, and I work with a great, if fairly loose, community of advocates committed to social justice issues. I think that the frustrations I do have with my job are mostly unavoidable consequences of my decision to work in a state with extremely limited public interest resources. Very few attorneys work in the criminal justice field in Texas, and I have never had anything other than a merely nominal supervisor. I have frequently been the only advocate in Texas working on indigent defense issues on a more than passing basis, and I have worked hard over the last three years to build an informal support network among advocates working on related criminal justice issues, both in Texas and in other states. I have really broad experience in terms of the types of work I have done as a public interest lawyer, but when I talk to my law school classmates with more traditional career paths and closer supervision it becomes clear that I lag behind them in developing specific skills.

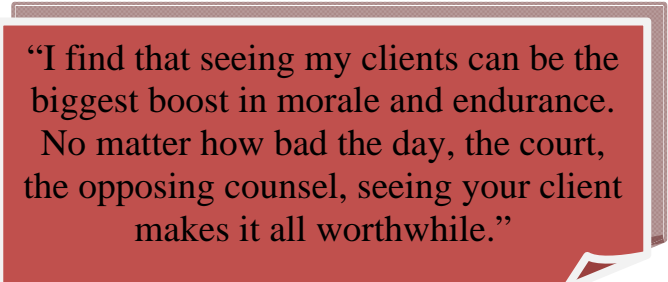
There are lots of tradeoffs involved in choosing, in the words of one of my classmates who also worked as a public interest lawyer in Texas, to go "off the grid." If I look at my career solely in terms of skill development, I probably would be a better lawyer if I had chosen to move to a locale where potential mentors are more plentiful, and where resources for public interest work, although still limited, at least support enough staff to provide for some supervision and specialization. At the same time, there are huge opportunities to do great work in those areas that are less popular with young lawyers, to fill needs that will not otherwise be met, and to really strike your own path. I recognize those tradeoffs, and I know there are deficits in my professional development that I need to pay attention to and try to address, but even with those in mind I would not choose to be anywhere else.

\*\*\*\*\*

*William R. Montross, Jr.*  
*J.D., Harvard Law School, '94*  
*2007-08 Wasserstein Fellow*  
*Director – Capital Litigation*



A typical day? I am not sure that, in my four years at the Southern Center for Human Rights, I have had a typical day. Perhaps pulling back the lens might help a bit more in this case – to what a typical week might consist of. There is likely a trip to death row. Our office is located in Atlanta, but the vast majority of our clients are inmates on Alabama’s death row. The prison is situated in a small town called Atmore, over a four-hour drive from Atlanta. The drive always feels long, miles of country-side interspersed with the same fast-food chains and super-sized Walmarts every 30 miles. We are often our clients’ only visitors – no family to speak of or able to visit – and the only opportunity they have to leave their cells which they otherwise occupy for 23 out of 24 hours a day. Not one intern who has ever worked at the Center for a summer has ever asked “How can you represent those people?” after returning from one visit to death row. Many say it was one of the most profound or moving experiences of their lives. I find that seeing my clients can be the biggest boost in morale and endurance. No matter how bad the day, the court, the opposing counsel, seeing your client makes it all worthwhile.



“I find that seeing my clients can be the biggest boost in morale and endurance. No matter how bad the day, the court, the opposing counsel, seeing your client makes it all worthwhile.”

If not visiting death row, I can often be found in one of Alabama’s state courts, most of them located in small towns where the courthouse marks the center of the square. In some of the courthouses are courtrooms. In others there is a gateway to the world of the surreal. At various times, in various courtrooms, in front of various judges, I have been told that the United States Constitution is not the law in Alabama, that I am an out-of-state (meaning Georgia), radical, activist bent on thwarting Alabama’s ability to enforce its own laws, that there is no problem of race in Alabama, and that \$500 is more than enough for an attorney to mount an effective defense to a capital murder charge. A sitting Alabama Supreme Court Justice wrote a highly-publicized editorial in the Birmingham News calling on his fellow justices to actively resist the United States Supreme Court’s decision in Roper v. Simmons, banning the execution of defendants who were juveniles when they committed the offenses for which they are sentenced to death. There are, of course, judges with wisdom and compassion and burning intelligence. But there are far too few of them.

When not visiting death row, or in an Alabaman courtroom, or trying to hunt down witnesses, I am in the office. The hours are long. It is not unusual for me to spend many late nights in the office as filing deadlines are drawing near. Most of the time, our practice is focused on written advocacy more than oral advocacy, as we have chosen to devote our resources to representing death-row inmates in post-conviction appeals rather than at the trial stage. It is far from boilerplate pleadings. Practicing in the Eleventh Circuit requires constant creativity and ingenuity; the court is not known for its sympathies to death-row inmates. Practicing public-interest law in the Deep South (defined as not representing the government) sometimes fosters the impression that you are quite the outsider. It is not a practice where an attorney will find approval in the courts, or approval in the newspapers, or approval from the public. Often it is only your colleagues who understand what you are trying to do, and the obstacles in your path.

Fortunately, I work with incredible, passionate colleagues. One of the true advantages of working for the Southern Center is the caliber of the people it attracts, and the opportunity to spend time with these people more than compensates for any surrounding hostility.

\*\*\*\*\*

*Jonathan Rapping*  
*J.D., George Washington University National Law Center*  
*2009-10 Wasserstein Fellow*  
*CEO/Founder,*  
*The Southern Public Defender Training Center, Atlanta, GA*

While no day is “typical,” each often includes some amount of time dedicated to three distinct undertakings: working directly with public defenders, working to build and maintain a non-profit organization, and using my teaching and writing to promote the values underlying the SPDTC.

With respect to the first, I spent the bulk of my career as a public defender, both representing clients, and training and supervising young lawyers. While I do very little direct representation these days (I represent one man in a pre-trial capital murder case in Oxford, AL), I mentor and advise public defenders who are part of our program informally on a daily basis. This includes brainstorming cases and discussing trial strategy as well as helping them to navigate challenges they face in trying to provide excellent representation to clients in environments hostile to public defenders and the people we represent. This dialogue occurs via telephone, e-mail, and, for lawyers in the Atlanta area, in person. In addition I participate in training programs for public defenders across the country, usually traveling approximately once a month to present on a range of topics.

“I mentor and advise public defenders who are part of our program informally on a daily basis. This includes brainstorming cases and discussing trial strategy as well as helping them to navigate challenges they face in trying to provide excellent representation to clients in environments hostile to public defenders and the people we represent.”

With respect to the second, I devote a considerable amount of time each day on the organizational and programmatic aspects of the SPDTC. As a new organization, a lot of time is devoted to developing a strategic plan and a budget as well as to working with the Board to build the infrastructure necessary to maintain an organization. I frequently travel to educate lawyers, law students, and potential funders about our mission and vision. I also devote much of my time to formulating and executing fundraising strategies. On the programmatic front, I am responsible for developing our training curriculum and overseeing all training events.

Finally, I am able to marry my position as a law professor with my work with the SPDTC by using my teaching and writing to educate others about the mission of the SPDTC and the important values that necessitate indigent defense reform. Through my teaching I am able to

inspire a new generation of law graduates to examine these issues more thoughtfully and, perhaps, to join our efforts to usher in indigent defense reform. My work with the SPDTC allows me to incorporate these issues in my courses and to use them as the basis of my scholarship.

\*\*\*\*\*

*Mario Russell*

*J.D., University of Maryland School of Law, '93*

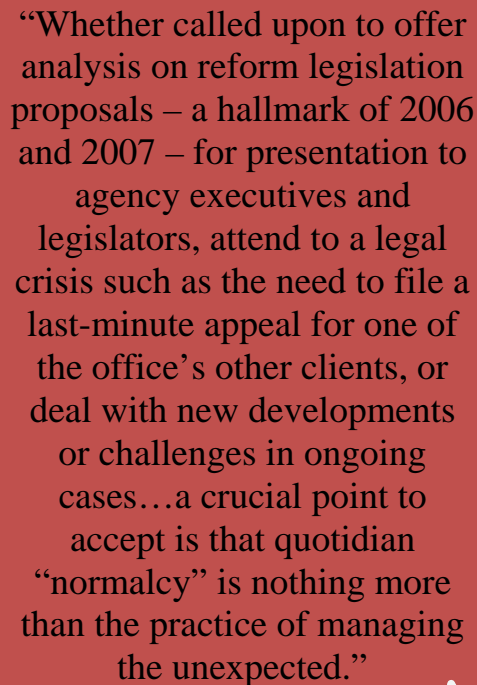
*2007-2008 Wasserstein Fellow*

*Senior Attorney and Immigration Policy, Catholic Charities Community Services, New York, NY*

Unless I am driving to one of the five federal district, circuit, and administrative courts in the New York City area – or the two asylum offices – where I file and prosecute cases, the day usually begins on the train, telephone in hand, responding to messages and emails that I did not get to the night before. Typically I am answering questions of or giving instructions to a number of the Refugee and Immigration Clinic students who collectively handle approximately thirty litigation matters under my supervision over the course of two semesters. Because they have a lot of individual case management responsibility, as the development of case theory, evidence, and witness and expert testimony, and because they are in fairly constant, intense client contact, there is a continuous but important stream of questions and issues that need quick responses.

Since case litigation usually takes place in the morning, whether by civil arraignment calendar calls, individual asylum trials, or evidentiary hearings and pre-trial conferences in U.S. District Court, on litigation days I usually drive directly to the courthouse. The students will join me there and will offer second-seating support or, just as often, lead the litigation effort under my supervision.

Otherwise, the office's morning fare will present scheduled meetings with clients, students, and new intakes. As a matter of course, no day remains as planned. Whether called upon to offer analysis on reform legislation proposals – a hallmark of 2006 and 2007 – for presentation to agency executives and legislators, attend to a legal crisis such as the need to file a last-minute appeal for one of the office's other clients, or deal with new developments or challenges in ongoing cases – the medical forensics uncovered physical wounds in which the client failed to mention in her declaration, a possible impeachment problem! – a crucial point to accept is that quotidian "normalcy" is nothing more than the practice of managing the



“Whether called upon to offer analysis on reform legislation proposals – a hallmark of 2006 and 2007 – for presentation to agency executives and legislators, attend to a legal crisis such as the need to file a last-minute appeal for one of the office’s other clients, or deal with new developments or challenges in ongoing cases...a crucial point to accept is that quotidian “normalcy” is nothing more than the practice of managing the unexpected.”

unexpected. This, I believe, broadly describes the experience of litigating low-income and indigent *individual* claims in high volume.

Inevitably, calls will flow in from students who are assigned to provide know-your-rights presentations and case consultations at the unaccompanied minor or adult detention facilities in Queens and New Jersey. As overcoming the vagaries of the Department of Homeland Security authority and rulemaking is becoming the most intractable challenge to representing detained asylum seekers and torture survivors, I might therefore find myself manning the fax machine and making phone calls to solve what ultimately is solvable.

Afternoons usually flow in much the same way – evidence, new claims, and legal argument review – but with the recent expansion of our litigation into Second Circuit Court of Appeals *pro bono* panel cases, the past year-and-a-half has required that time be given to particularly reflective research, analysis, and writing that is, again, supported by teams of three or four students.

Squeezed in, of course, will be things such as completing a law school seminar lecture or pulling together notes and slides for a training to be offered the next day, though more often than not those are tasks completed on the train ride home.

Lunch, as I am sure is true for nine tenths of my colleagues, is eaten at dinnertime.

\*\*\*\*\*

*Reggie Shuford*  
*J.D., University of North Carolina School of Law*  
*2009-10 Wasserstein Fellow*  
*Senior Staff Attorney/Attorneys of Color Recruitment & Retention Officer, ACLU Racial Justice Program*  
*New York, NY*

I am not sure there is a “typical” workday for me. It really depends on what’s going on at the moment, especially if I have a filing deadline. Of late, there tends to be *a lot* going on. So, I will describe a recent day, Wednesday, September 2, 2009, which, I suppose, is as typical as it gets.

#### Morning

The day started around 9:00 AM with me checking, responding to, and sending e-mails. As lead counsel for Plaintiffs in a case (*M.H. v. Atlanta Independent School System*) occupying much of my time of late, I wake up to e-mails that require strategic decision-making on my part, including issuing instructions (or suggestions) about how team members should spend their time that day working on the case. I also corresponded with opposing counsel from AISS to exchange call-in information for a call later in the day and read a recent case related to one of the major claims in the case - a 4<sup>th</sup> amendment search and seizure claim.

### Afternoon

At noon, I arranged a team call for Plaintiffs' counsel in the *M.H.* case to discuss strategy with respect to settling the case. The afternoon before, a number of us had been on a call with AISS counsel to discuss the issues that might be a part of any settlement. Based upon the call with AISS counsel, we developed a better idea of the relative strengths and weaknesses of our settlement position. The primary purpose of the team call at noon was to figure out what we need to do in order to strengthen our position in preparation for an in-person mediation session with the mediator and AISS counsel on September 8, 2009.

At 1:30, I hosted a teleconference with ACLU state affiliate offices around the country to discuss ways to promote racial and gender equity in the distribution of federal stimulus funds.

Around 2:30, I stepped out to pick up lunch and returned to review some cases provided by AISS that dealt with a major issue of contention in our settlement discussions: the constitutionality of daily patdown searches of all students at the alternative school that is at the heart of the litigation.

Shortly after 3:30, AISS forwarded its draft of a Joint Mediation Statement due to the mediator the next day, Thursday, September 3. The Joint Mediation Statement identified the most contentious issues where little agreement had been reached between the parties and upon which we sought the assistance of the mediator at the in-person mediation session on September 8. At 4:00 PM, Plaintiffs' counsel and AISS counsel had a phone conference to discuss the draft statement. We agreed that Plaintiffs needed time for an internal discussion and would circulate a revised draft soon.

At 5:00, we had a not-really-a-surprise party for a colleague who was completing her fellowship with the Racial Justice Program and taking another job – fortunately, within another department at the ACLU. Homemade cupcakes were served.

### Evening

A little after 6:00 PM, I did an interview with a reporter about a new case we had filed the day before concerning the expulsion of a twelve-year-old student for possessing allegedly “gang-related” photographs on his cell phone.

Around 6:30, I took over the editing of a brief in the *M.H.* case also due the next day, Thursday, September 3. For the next several hours, with the exception of stepping out to pick up dinner, I worked on the brief. I went home shortly after midnight.

Busy day. No time for the gym. Not even time for a Facebook break.

\*\*\*\*\*

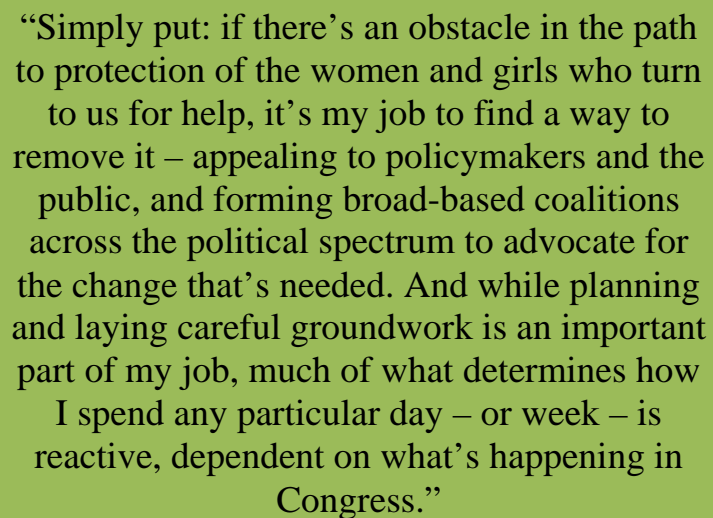
*Jeanne Smoot*  
*JD, Harvard Law School, 1999*  
*2011-12 Wasserstein Fellow*

*Director of Public Policy, Tahirih Justice Center, Falls Church, VA*

The Tahirih Justice Center (Tahirih) is a non-profit legal advocacy organization representing immigrant women and girls fleeing such human rights abuses as domestic violence, rape, sexual assault, human trafficking, female genital mutilation, torture, “honor” crimes, and forced marriage. In 2009, we expanded nationally, and now work across three offices in Falls Church, VA; Houston, TX; and Baltimore, MD. Since Tahirih opened in 1997, through direct services and referrals, we have assisted over 14,000 women and children.

In addition to representing individual women and girls, Tahirih works to pass laws, develop regulations, transform policies, establish precedent and enhance public understanding so that systemic change will ensure the long-term protection of women and girls from violence. We track the alarming trends we see in our client work, the obstacles that our staff attorneys encounter as they struggle to help these courageous women and girls, and we translate those problems and challenges into prescriptions for public policy solutions. As one example, after we observed an uptick in cases nationwide of so-called “mail-order brides” who had been subjected to brutal abuse and

exploitation, Tahirih helped draft federal protective legislation that was enacted as part of the 2006 reauthorization of the Violence Against Women Act (VAWA). As another example, after beginning to receive more and more calls about young immigrant women who were being sent – by force, fraud, or coercion – to their parents’ country of origin and compelled to marry, Tahirih conducted a national survey on “Forced Marriage in Immigrant Communities in the United States” in summer 2011. After identifying as many as 3,000 cases in the preceding two years alone, we are now building a National Network to Prevent Forced Marriage and developing legal and policy solutions to the problem.



“Simply put: if there’s an obstacle in the path to protection of the women and girls who turn to us for help, it’s my job to find a way to remove it – appealing to policymakers and the public, and forming broad-based coalitions across the political spectrum to advocate for the change that’s needed. And while planning and laying careful groundwork is an important part of my job, much of what determines how I spend any particular day – or week – is reactive, dependent on what’s happening in Congress.”

Simply put: if there’s an obstacle in the path to protection of the women and girls who turn to us for help, it’s my job to find a way to remove it – appealing to policymakers and the public, and forming broad-based coalitions across the political spectrum to advocate for the change that’s needed. And while planning and laying careful groundwork is an important part of my job, much of what determines how I spend any particular day – or week – is reactive, dependent on what’s happening in Congress, what change the Administration just announced, or what opportunities present themselves to make progress (or what threats are being posed to progress already made).



In any given week, I might spend time on any of the following activities:

### **General Outreach and Education**

- Give a presentation or training about Tahirih’s work and our overall policy initiatives – on a panel, at a conference, on a network “webinar” (e.g., to a statewide coalition against domestic violence), to a university class, even to a foreign delegation of advocates (perhaps working on violence against women issues or anti-trafficking initiatives in their home countries) that the U.S. State Department has sponsored on a study tour.

### **Issue- or Legislation-Specific Analysis, Development, Outreach and Education<sup>1</sup>**

- Review legislation proposed by other organizations or legislators, consult with colleagues, and analyze impact on Tahirih’s clients. Review requests to endorse “sign-on letters,” amicus briefs, or legislation. Prepare and submit comments on draft regulations.
- Draft legislative proposals, vet by colleagues at Tahirih and in coalitions, revise and refine proposals.
- Research (both legal and policy, consulting not only caselaw but also experts and colleagues) is a considerable part of this process – for example, we are currently exploring whether it would be possible to adopt in the United States a special kind of “forced marriage protection order” such as they have in the United Kingdom. Among the several separate lines of legal research and inquiry we are pursuing, we have investigated what Constitutional challenges might be posed to creating such a protective order under federal law (because family law matters are typically left to the states), what features distinguish an “FMPO” from a typical domestic violence protection order in the United States, what legal constraints currently keep some domestic violence shelters from taking in minors who are fleeing a forced marriage threat, etc. As another example, for the legislation that Tahirih helped draft to protect so-called “mail-order brides” from abuse, we proposed a background check and self-disclosure process for US clients of such agencies only after researching analogous background check requirements in other contexts.
- Field research – evaluating what problems service-providers and advocates on the frontlines are experiencing, and what solutions they see as most needed; or simply research to better understand an issue, like our summer 2011 national forced marriage survey. This sort of major research effort might only be mounted every few years– but when we make that appeal or conduct that survey, it can be an incredibly intensive process. The survey we developed to examine forced marriage, for example, was months in development and went through several different iterations before it was distributed; and we also spent months

---

<sup>1</sup> I also give briefings to Congressional or other policymaking audiences, and even have given oral testimony before state or local legislative bodies and submitted written testimony to Congressional committees – but these activities occur more like once or twice a year, not once a week. Overall, much of what I write is short (1-5 pages), and only about once a year do I prepare a report or article of any length (10 pages or more); when I write, I often do so for practitioner-focused or policy-oriented journals or newsletters (for example, we have been invited to submit a piece on forced marriage for the monthly bulletin of the Center for the Prosecution of Child Abuse at the National District Attorneys’ Association), not academic journals.

building up a robust distribution list that would reach not only large, well-established NGOs but also small, community-based or even volunteer-staffed organizations, and ensuring that we were reaching out to diverse communities. We also do quick turnaround field research as needed. To combat a recent legislative proposal made to devolve adjudications on petitions for legal status filed by battered immigrants under the Violence Against Women Act (VAWA) from a centralized, specialized US Citizenship and Immigration Services unit to non-specialist officers, we fielded a simple survey within a few days' time. We received about 100 responses from practitioners around the country that gave low scores and supplied alarming anecdotes about the lack of knowledge of VAWA laws and regulations and lack of sensitivity to domestic violence dynamics by such generalist officers, helping us to defeat the proposal.

- Develop advocacy tools and materials – one-pagers/backgrounders, factsheets/FAQs, charts comparing existing law with what proposed amendments would accomplish, “section by section” summaries of proposed legislation, compilations of sympathetic case stories – these are generally directed to a policymaking audience.
- Develop and circulate “action alerts” (which may include suggested phone scripts, or talking points) to advocates around the country – outlining a legislative or Administrative proposal, explaining the impact, and then urging action (asking them to contact Congress, or to contact Tahirih with sympathetic stories re: the consequences of a negative proposal or the urgent need for a helpful measure to be passed.).
- Participate in or convene coalition meetings, conference calls; hold meetings with legislators, agency officials, or other policymakers. (My time is primarily spent conferring/collaborating with colleagues, not on lobbying.)

### **Responding to interview requests – from media and researchers**

- **Field a media inquiry – we receive these about 1-2 times a week at times**
- **To interview a Tahirih issue expert.** For example, one day recently, I got a call at 11:45 am from a Canadian news (television) program asking if I could come into their DC bureau studio by 1:15 pm for an on-camera interview about a Canadian radio station that was running a controversial contest for one of its male listeners to “win” an Eastern European bride (on an all-expenses paid trip on a “romance tour” offered by a so-called “mail-order bride” agency). I quickly prepped for the interview (typically, I develop a set of core talking points I want to convey) and was headed downtown before the interview was cancelled because they “went another way” – while this was quick and relatively painless, managing media inquiries can be an incredibly time-intensive part of my job, and may not always yield a published/broadcast piece even after weeks of working with a reporter/producer.
- **To interview a Tahirih client about her experiences.** The Policy Department at Tahirih often serves as the liaison between the media and our Legal Department and clients – we will poll staff attorneys to see if we have a client who is appropriate to the inquiry (sometimes, the request is incredibly specific, e.g., to speak with “a woman who is from

Latin America, fled domestic violence, is seeking asylum based on gender-related persecution, and whose case is pending at the Board of Immigration Appeals”) and who would be able to handle the interview (a compelling spokeswoman, who would find the experience more empowering than re-traumatizing, and whose legal case or other interests would not be adversely affected by media exposure). We will often work with the client to prepare her for the interview, explain her options to remain anonymous or otherwise shield her identity, and serve as her advocate throughout the interview.

- **For background information about an issue.** We frequently help media gain a threshold understanding of the issue, providing them with backgrounders, factsheets, referrals to other organizations that are leading experts in the field, and generally answer questions to help them explore a particular angle for a story.
- **Field an inquiry from researchers, typically graduate level or PhD candidates – we receive these about once a month.** See above – some want background info, some want to interview a Tahirih expert, some want to interview Tahirih clients.

### **Strategic Planning**

- Map out new initiatives for Tahirih to explore, brainstorm priorities with Tahirih’s Legal Department, outline activities and allies for a multi-prong, multi-year campaign, etc.

### **Issue- and Environment-Monitoring**

- Keep abreast of relevant new case decisions, track press coverage and listserves, review updates issued by colleague organizations regarding developments impacting women’s human rights, immigrants’ rights, domestic violence, etc.; read relevant op-eds, news clips, “The Hill,” etc. to keep current on overall policy environment.

\*\*\*\*\*

*Michael Steinberg  
J.D. Wayne State University Law School, '89  
2007-08 Wasserstein Fellow  
Legal Director, ACLU of Michigan  
Detroit, MI*

**Preliminary Note:** There is no “typical workday” at the ACLU of Michigan. Every day is unique, whether it involves filing a case, oral argument on a motion, receiving an opinion, speaking engagements, or responding to the “emergency of the day.” Working to stop governmental abuse of power in the 21st century does not leave room for many dull or repetitive days. That being said, here is my attempt to give you a sense of what I do on many days.

- 6:15 a.m.** – Wake up.
- 6:50 a.m.** – Take vanpool from Ann Arbor to Detroit – Read *New York Times*.
- 7:35 a.m.** – Arrive at ACLU of Michigan – catch up with email.
- 8:15 a.m.** – Go to breakfast at friendly dive restaurant – read the *Detroit Free Press*, the

*Detroit News* and/or a brief, memo or opinion.

**8:45 a.m. -12:15 a.m.**

**Work on cases** involving any of the following issues: freedom of speech and expression, post-9/11 issues, police abuse, religious freedom, rights of people of color and women, reproductive freedom, LGBT rights, voting rights, and the rights of people with disabilities and prisoners.

This work may include any combination of:

- editing, writing or researching briefs, complaints, letters and memos.
- meeting or speaking with cooperating attorneys, ACLU staff attorneys, law interns, ACLU attorneys from the national office or other affiliates, opposing counsel, clients and/or witnesses.
- arguing motions or attending oral argument.

**Provide Counsel to Staff and Volunteers** – Work with and offer advice about potential cases to volunteer lawyers with the nine volunteer ACLU branches across the state; work with and supervise the staff attorneys for our Racial Justice Project and LGBT Project; provide advice to the ACLU lobbyist about pending and future legislation.

**Develop Cases** – Work with our paralegal and volunteers on “intake”; develop cases to challenge unconstitutional state laws, or local ordinances or policies; present potential cases to the state Lawyers Committee and state Board, meeting with or recruiting clients, putting together a legal team.

**Public Education** – Speaking engagements or debates at universities, community events or ACLU events across the state; speak with reporters or at press conferences about pending cases or issues in the news; work with our communications director, field director and other staff on “messaging,” press releases and developing “integrated strategies” to civil liberties issues in the state.

**12:15 p.m. – 1:15 p.m.** – Lunch out with ACLU volunteer attorney(s) or lunch in with raucous ACLU staff.

**1:15-5:20** – Similar to the morning.

**5:20-6 p.m.** – Catch vanpool from Detroit to Ann Arbor – read a brief, memo or case.

**6:30-7:15 p.m.** – Dinner with my partner and our three teenage daughters.

2

**7:15- 9:30 p.m.** – Any combination of: hanging out with the family, coaching the mighty Ann Arbor Ladybugs (a high school recreation soccer team on which all three daughters play); ACLU speaking engagement or meeting; working out (pick-up basketball or running).

**9:30-10:30 p.m.** – Work from home office.

**10:30-11:30 p.m.** – Spend time with partner.

\*\*\*\*\*

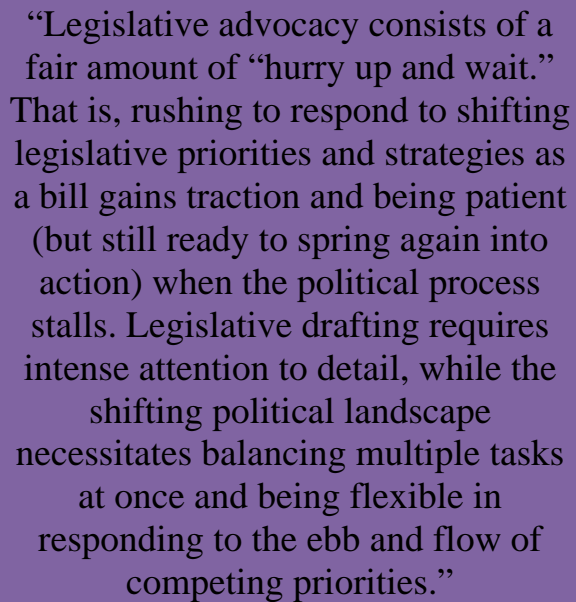
*Kara S. Suffredini  
Boston College Law School, '01  
2007-08 Wasserstein Fellow  
State Legislative Director  
National Gay and Lesbian Task Force  
Washington, DC*

I am the State Legislative Director at the National Gay and Lesbian Task Force (the Task Force) in Washington, DC. The Task Force is the nation’s oldest national lesbian, gay, bisexual, and transgender (LGBT) political advocacy organization. Our mission is to build LGBT political power from the ground up. My primary role in effectuating that mission, as coordinator of our state and local legislative advocacy program, is to work with organizational partners and individual activists in the fifty states and hundreds of cities to draft and pass pro-LGBT legislation, such as anti-discrimination and anti-bullying laws, and defeat anti-LGBT measures, such as parenting restrictions and bans on LGBT student clubs in high schools.

The only thing “typical” about my workday is that it rarely unfolds as planned.

Legislative advocacy consists of a fair amount of “hurry up and wait.” That is, rushing to respond to shifting legislative priorities and strategies as a bill gains traction and being patient (but still ready to spring again into action) when the political process stalls. Legislative drafting requires intense attention to detail, while the shifting political landscape necessitates balancing multiple tasks at once and being flexible in responding to the ebb and flow of competing priorities.

Most state legislatures are in session from January to June, and I refer to this timeframe as the “state legislative season.” I refer to the time between July and December as the “pre-legislative season.” During the state legislative season, the priorities are tracking LGBT-related bills in all fifty states, drafting bills and amendments, generating legislative and grassroots support, crafting urgent legislative compromises, blocking harmful amendments to bills we support, and defeating bills we disfavor. During the pre-legislative season, priorities are drafting new bills or redrafting existing ones for future introduction, increasing support among elected leaders, preparing public education publications and other advocacy tools, and helping state and local activists construct grassroots campaigns.



“Legislative advocacy consists of a fair amount of “hurry up and wait.” That is, rushing to respond to shifting legislative priorities and strategies as a bill gains traction and being patient (but still ready to spring again into action) when the political process stalls. Legislative drafting requires intense attention to detail, while the shifting political landscape necessitates balancing multiple tasks at once and being flexible in responding to the ebb and flow of competing priorities.”

During both seasons, I work with activists in cities and counties to draft and build support for local measures, such as domestic partnership registries and anti-discrimination ordinances. I also travel to meet with state and local elected leaders and activists, coordinate our participation on amicus briefs, and conduct trainings at conferences and other gatherings. As one of only two attorneys on staff, I also direct our law fellowship program.

The following is what one of my “typical” days in August was like, on the cusp between the legislative and pre-legislative seasons:

- 8:30 a.m. Arrive at the office. Read emails and listen to voice mails that came in overnight; skim several mainstream newspapers and LGBT listservs and blogs for latest news and political developments.
- 9:30 a.m. Return phone call from a state partner seeking drafts of statewide domestic partnership and hospital visitation legislation for introduction next January. Leave voice message and send follow-up email.
- 9:45 a.m. Resume work on talking points for activists in a city in Tennessee summarizing the key points of an anti-discrimination ordinance we previously drafted for them. They now need the talking points for use in describing the measure to potential supporters on the city council.
- 10:00 a.m. Weekly conference call with Jason Cooper, a Senior Field Organizer in our Organizing and Training Department, based in New York City. The purpose of this call is to coordinate our departments’ responses to the requests we receive from states for legislative advocacy assistance and field assistance, respectively.
- 10:45 a.m. Resume work on talking points for the city in Tennessee.
- 11:00 a.m. Receive an urgent request from another national LGBT advocacy organization asking the Task Force immediately to review and join a letter supporting proposed LGBT-related changes to a city anti-discrimination ordinance in Alabama. Read the letter, make some editorial changes, and agree to sign on.
- 11:30 a.m. Answer an email from activists in a city in Ohio with an urgent request for a draft of an anti-discrimination ordinance to provide to a city council member who has indicated interest in such a measure. Schedule a conference call for next week to discuss the draft. Find and analyze city code for existing anti-discrimination provisions that will need to be amended to include LGBT individuals.
- 12:30 p.m. Eat lunch at my desk while reading news reports and responding to emails that have come in since I last checked and responded. Receive return email from state that wants drafts of domestic partnership and hospital visitation bills; respond agreeing to circulate drafts by the end of the month.
- 1:15 p.m. Respond to urgent request from the Task Force communications department to call Carl Manning, a reporter with the Associated Press. Manning has a common request: he is seeking a comment from the Task Force on a domestic partnership law just approved by the City of Lawrence, Kansas and a comparison with similar laws passed in other cities and states. Read the new law, quickly pull together some information about laws in other cities and states, and call the reporter back.



- 2:00 p.m. Join conference call between national LGBT groups and local activists in Arkansas to discuss the recent public announcement by the Arkansas Family Council of its intention to place an anti-LGBT parenting measure on the ballot in the 2008 general election.
- 3:00 p.m. Finish talking points for city in Tennessee and circulate by email for comment to local activists. Begin drafting LGBT-related amendments to existing anti-discrimination provisions in city code in Ohio and an accompanying memorandum explaining the proposed changes.
- 4:00 p.m. Join biweekly conference call between national LGBT litigation and policy groups to discuss updates on marriage litigation and efforts to pass statewide domestic partnership, civil union, and marriage bills in various key states.
- 4:30 p.m. Conference call with co-panelists for an upcoming lobbying training at the annual Lavender Law Conference in September. Agree to circulate a proposed workshop agenda by the end of the month.
- 5:00 p.m. Weekly check-in with Lisa Weiner-Mahfuz, co-chair with me of an internal, cross-departmental Task Force team responsible for coordinating all of the Task Force's work in states.
- 5:45 p.m. Pull together travel itineraries and materials for next day's departure to Albuquerque, New Mexico for the annual meeting of the Equality Federation, the national association of statewide LGBT advocacy groups, followed immediately by a trip to San Francisco, California for the concurrent annual meetings of the American Bar Association and the National Lesbian and Gay Law Association.
- 6:30 p.m. Read and respond to emails one last time.
- 7:15 p.m. Leave office. Go home and pack for trip.

\*\*\*\*\*

*Janet Varon*  
*J.D., Harvard Law School, '83*  
*2006-07 Wasserstein Fellow*  
*Executive Director, Northwest Health Law Advocates*  
*Seattle, WA*

7:30 am – Read local and national newspapers – check for media coverage on health issues.

9:00 am – Do email. Review legislative schedules and new bills, determine which need attention.

10:00 am – Meet with new volunteer interested in following legislation; agree on assignment

10:45-11:30 am and throughout day via email - Communicate with client organization, coalition partners and stakeholders regarding:

-- new developments in "cover all kids" health bill: need for amendments; discuss strategy; draft language

--legislator's proposal to bill large employers for their employees' Medicaid and Basic Health coverage; draft talking points opposing this bill

11:30 am-12:15 pm - discuss revision of NoHLA website with office manager and staff attorney

12:30-1:00 pm - work with office manager to plan bowling fundraiser and recruit team captains, state B&O tax filing.

1:00-3:00 pm – email discussion with national and state-based Medicaid advocates in CA, NV and MD regarding states' implementation of a Centers for Medicare and Medicaid Services directive (excluding newborns of undocumented mothers from "deemed Medicaid eligibility"); discuss with local Children's Alliance and health clinic advocates; contact state agency and Governor's staff re legality of state implementing new restriction; send follow-up memo.

4:00-6:30 pm - Plan and prepare for a presentation to public health and clinic workers regarding pending legislation related to low-income health care programs; follow up on email correspondence; review our draft report on Medicare Part D implementation issues in three states.

\*\*\*\*\*

### **PRIVATE-PUBLIC INTEREST FIRMS**

*James B. Fishman  
New York University Law School, '79  
2008-09 Wasserstein Fellow  
Founder, Fishman & Neil, LLP  
New York, NY*

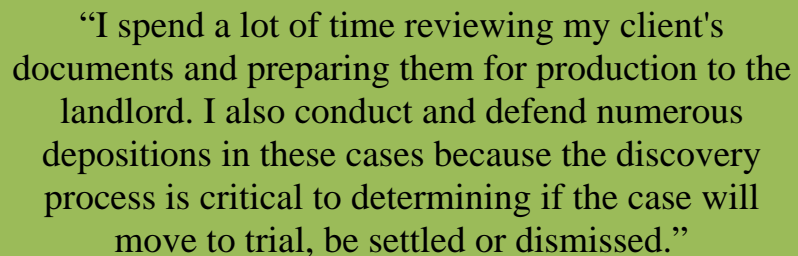
In a small, private practice public interest litigation firm there isn't really a "typical" workday. Instead, there are various different types of workdays, depending on what is on the schedule for that day. Some days I am in Housing Court, arguing cases in defense of tenants whose landlords are seeking to evict them. I also represent tenants and consumers in State Supreme Court, (New York's main trial level court) Other days I am in Federal Court, representing consumers seeking to enforce their rights against credit bureaus, banks and collection agencies.

My practice is divided roughly into two major subject areas; tenant's rights and consumer rights. My tenant practice primarily consists of defending individual rent-regulated tenants from eviction by their landlords for reasons that usually have nothing to do with non-payment of rent. In New York City, where property values are very high, landlords have a huge incentive to evict

rent regulated tenants, regardless of whether there is a legal basis to do so, because they can charge much higher rents following a vacancy. Many of these cases involve primary residence claims where my clients are being accused, often without any real factual basis, of not using his/her apartment as their primary residence, which, if proven, can result in the loss of a rent-regulated apartment. Many other cases involve a family member's attempt to exercise succession rights to a deceased family member's rent regulated tenancy.

I typically receive 6-10 potential new tenant client calls per week and schedule initial consultations with several of them. I conduct an initial consultation during which I explain the rent

regulation system, Housing Court eviction case procedures, what needs to be done to properly evaluate the strengths and weaknesses of a case and how to prepare a proper defense. I spend a lot of time reviewing my client's documents and preparing them for production to the landlord. I also conduct and defend numerous depositions in these cases because the discovery process is critical to determining if the case will move to trial, be settled or dismissed.



“I spend a lot of time reviewing my client's documents and preparing them for production to the landlord. I also conduct and defend numerous depositions in these cases because the discovery process is critical to determining if the case will move to trial, be settled or dismissed.”

Because conducting a private practice is also a business, with expenses and overhead, it is usually necessary to charge fees to these clients, many of whom are not able to afford them. As a result, it is necessary to carefully evaluate each case and determine what steps are most appropriate as well as the most cost effective way to proceed. Fortunately, many of these tenants have "fee shifting" provisions in their leases so it is possible to recover most of their legal fees if they prevail in the case.

I typically spend several mornings per week in Housing Court where I have many cases pending. These cases typically involve a large amount of motion practice and it is not uncommon for me to argue several motions there each week. Trials are relatively rare as most cases settle, get dismissed by the Court or abandoned by the landlord. I generally have no more than 3-4 Housing Court cases go to trial each year. . The New York City Housing Court handles roughly 300,000 new cases each year. The Judges, who are generally overworked and short staffed, are under substantial pressure to settle as many cases as possible.

Attorneys in my office have substantial amounts of client contact as well as extensive interaction with attorney's representing our client's landlords.

My consumer rights practice differs greatly from my tenant practice. Consumer cases typically involve federal statutory violations of the Fair Credit Reporting Act or the Fair Debt Collection Practices Act and are brought either on an individual or class basis. My consumer clients typically have suffered some form of abuse or illegality, either by a credit reporting agency, bank or other creditor or a debt collection agency. I typically receive 5-10 new client calls per week involving consumer issues. These cases generally take much more time and effort to complete

and involve a substantially higher level of legal work. In my consumer cases my client is usually the plaintiff seeking to vindicate their rights, obtain monetary damages, or both and they are generally brought in federal court. These cases involve large amounts of discovery, including depositions and document production.

Both areas of my practice involve issues and events that pose serious threats to my client's rights, including the potential loss of their home, their credit rating and their privacy. As a result, my clients typically have a lot of emotional distress, fear and anxiety.

Working in this type of practice requires substantial patience, understanding and perseverance as well as a fundamental desire to assist individuals who often feel powerless. A public interest private practice like mine also presents unique opportunities to identify systemic problems facing large numbers of tenants and consumers and devising creative litigation strategies to address and alleviate them.

\*\*\*\*\*

*Nicole Austin Hillery*  
*J.D. Howard University School of Law, '00*  
*2006-07 Wasserstein Fellow*  
*Attorney, Mehri & Skalet, PLLC*  
*Washington, D.C.*

The one constant as a litigator is that there really is no such thing as a typical day. The content of my day changes based on the case that I am working on and where we are in the timeline for that given case. Most of my days are spent in the office given that class action cases, which are my area of focus, only require court days on rare occasions. The majority of the work I do is done without the direct and daily influence of the court.

All of that being said, my days usually begin around 10:00 a.m. (much to the chagrin of my firm's partners, who would prefer I arrive at 9:30). Often, before I arrive at the office, I check e-mail from home to make certain that there is nothing that requires my attention before I arrive in the office. Once I am in the office, I double check e-mail and then check voice mail to make certain that there is no immediate action required on a matter.<sup>2</sup> I will then turn to working on whatever the immediate action is that is required in my largest class action case.

Depending on the stage of the litigation, my next steps vary. If we are at the discovery phase of the class action, I will work on reviewing documents to prepare for a deposition of a key employee of the Company/Defendant. I may also prepare interrogatories in order to gather additional information from the Company. During the discovery phase, I am also embroiled in the exchange of many phone calls with defense counsel as well as the exchange of letters. These phone calls and letters are usually the result of disagreements over discovery (e.g., whether we have received the discovery information that the parties agreed Defendant would produce to

---

<sup>2</sup> This is often the case, given that I work with co-counsel located at other firms on practically all of my cases. Because class action cases are very expensive to litigate and require a great deal of work, my firm has found it practical to work in conjunction with other plaintiffs' side employment firms on our major class action work.

plaintiffs; whether we can agree to a deposition schedule that meets the needs of both parties as well as the witness). In fact, I spend a great deal of time engaged in small “fights” throughout the entire discovery phase of the case. It is a test of endurance and creativity in terms of figuring out how to reach a mutually acceptable agreement on these issues with defense counsel. The discovery phase of my class action cases, lasts for months and in some instances more than a year.

Once the discovery phase is complete, I spend substantial time preparing briefs to the Court, working with a team of other attorneys. Class action litigation, if you are the plaintiff, requires that you submit a brief in support of class action as well as a reply to the defendant’s opposition to your class certification brief in addition to briefing other matters that may come up along the way.<sup>3</sup> These periods of brief writing are intense and extremely time consuming.

Throughout each of these periods of time, my days are often filled with conference calls with co-counsel as well as with the experts who are working in support of our case. Employment discrimination class action cases require the support of expert testimony. This testimony usually takes the form of an expert report that is prepared in support of your position. The experts crunch the numbers to determine if there is actual statistical proof for the position being asserted—that discrimination exists at the defendant company. In addition to consulting with the experts, I spend a great deal of time preparing the experts for their depositions and defending those depositions. In turn, my team gets the opportunity to depose the experts from the other side. The focus on expert work is very time consuming and, requires great attention to detail and a comfort level dealing with statistical data.

“I may also be involved in working on matters related to other clients, such as an individual client who requires our assistance in negotiating a separation agreement between the client and his/her employer. These individual cases require me to spend a great deal of time interviewing the client about his/her experiences at the company and determining what his/her needs are with respect to separating from their employer. Conversely, I also spend a great deal of time in discussion with counsel for the employer discussing the company’s position and whether we can reach an amicable resolution with respect to my client’s departure.”

In the midst of this work on my class action cases, I may also be involved in working on matters related to other clients, such as an individual client who requires our assistance in negotiating a separation agreement between the client and his/her employer. These individual cases require me to spend a great deal of time interviewing the client about his/her experiences at the company and determining what his/her needs are with respect to separating from their employer.

---

<sup>3</sup> For instance, in one of my cases, we discovered during the deposition of an expert that many key discovery documents and information had not been turned over to Plaintiffs prior to the experts deposition—a requirement of the Federal Rules of Civil Procedure. We later filed a motion for sanctions against the Defendant as a result of what we deemed were very serious omissions.

Conversely, I also spend a great deal of time in discussion with counsel for the employer discussing the company's position and whether we can reach an amicable resolution with respect to my client's departure.

One of my favorite tasks is talking directly with my clients, particularly those clients who serve as named plaintiffs in class action cases. All of my clients are individuals who assert that they have suffered some form of discrimination in the workplace. I view their ability to come forward in an effort to effect change at their respective companies as courageous. I learn a great deal from that type of courage and, in turn, from my clients. I speak often with my clients and often during the late evening hours when my clients are done with their work day.<sup>4</sup>

Finally, I also serve as a liaison to the larger civil rights community. I spend time simply talking and meeting with attorneys on staff with non-profit civil rights organizations who are working on issues of concern to the plaintiffs employment bar. I also work to support the pro bono advocacy community by sitting on the Board of the Washington Council of Lawyers, a voluntary bar association that promotes pro bono advocacy among the private bar in Washington, D.C. I also sit on the Pro Bono Committee of the DC Bar. My involvement with both organizations requires me to attend monthly meetings that take place during the business day, so on those days, I am meeting with these organizations, in addition to conducting my normal work activities.

The bottom line is that everyday is different depending on the case and the posture of the case at any given time. That is what really makes my job interesting and keeps me excited on a regular basis.

\*\*\*\*\*

## **PUBLIC INTERNATIONAL**

*Betsy Apple*

*JD, Boston College Law School, 1988*

*2011-12 Wasserstein Fellow*

*Legal Director & General Counsel, AIDS-Free World, New York, NY*

My workday is very different, depending upon whether I am in the field or at my office in New York. I spend a lot of time in the field, so let's take a day last week in Kingston, Jamaica. By way of background: AIDS-Free World has undertaken an initiative to challenge homophobia in Jamaica, which has one of the world's highest HIV prevalence rates for men who have sex with men (MSM), estimated at 32%. (This means that fully a third of all men in Jamaica who have sex with men—whether or not they identify as gay, bisexual, or trans—are HIV+). Jamaica also has a “buggery” law that criminalizes same sex sexual conduct between men as well as “sodomy” and other acts of “gross indecency.” The law impedes the ability of the Jamaican government to provide prevention, testing, treatment and care services to people most at risk of contracting HIV, and it drives underground those same people and stops them from seeking

---

<sup>4</sup> It is extremely difficult and not recommended, that my clients make calls of a legal nature during the business day, so many of my client calls occur during the evening hours when my clients have the flexibility and freedom to speak candidly.



services. Consequently, we have launched a series of advocacy, public awareness, capacity building, and legal efforts to force the government to repeal the buggery law. One month ago, we filed a petition with the Inter-American Commission on Human Rights asking them to declare the buggery law in violation of the American Convention and other international human rights norms. Last week, I went to Kingston to work with my colleague Maurice, a Jamaican lawyer and the leader of our advocacy efforts on the ground in Jamaica, to gather material for the case. We are filing a supplemental brief with supporting evidence soon, and need to gather expert declarations.

On Tuesday morning, I got up at 4.30 am and took a 7 am flight to Kingston. (Fortunately, the coffee place at JFK opens at 6 am). Someone from J-FLAG, the preeminent LGBTI advocacy group in Jamaica, picked me up and dropped me off at my first appointment, with the executive director and chair of Jamaicans for Justice, the most well-known mainstream human rights group in the country. It was a coup that they agreed to provide a supporting declaration, given that they don't usually work on LGBTI issues. I spent an hour and a half interviewing them and taking notes. I next went to meet the

“Not surprising, given that Jamaica is one of the most homophobic countries in the world.

I persuaded the executive director of J-FLAG to give me an hour of his time, and I interviewed him and took notes for his declaration. I then participated in a long conference call with my colleagues from AIDS-Free World to discuss our strategy at the Inter-American Commission. Maurice and I then went to meet the former head of the National HIV and STI program, from the Jamaican Ministry of Health, whom we had to work to persuade to give us a declaration.”

executive and program directors for Jamaican AIDS Support for Life, whom I interviewed. A welcome stop at the J-FLAG office enabled me to check in with Nico, a program assistant whom we had trained to input information from intake forms documenting LGBTI abuses, into the new database we developed with the help of a group that does that sort of thing, Benetech. He told me that he was backlogged, but had several dozen intakes to input, which was good news. (We had worked hard to do outreach to get people to come forward and report abuses).

I was also lucky enough to see A., one of the victims we are representing in our petition to the Inter-American Commission. He told me that he was staying with a J-FLAG employee and was doing ok (his family had kicked him out of the house when they found out he was gay), but really eager to leave Jamaica. Not surprising, given that Jamaica is one of the most homophobic countries in the world. I persuaded the executive director of J-FLAG to give me an hour of his time, and I interviewed him and took notes for his declaration. I then participated in a long conference call with my colleagues from AIDS-Free World to discuss our strategy at the Inter-American Commission. Maurice and I then went to meet the former head of the National HIV and STI program, from the Jamaican Ministry of Health, whom we had to work to persuade to give us a declaration. We prevailed, however, and left exhausted but exhilarated. A final meeting with another long-time activist from Jamaica yielded a promise of another declaration, and we were happy because we knew she would write a strong one.

The night's final stop: at the hotel, where we grabbed a bite to eat before the long evening of work drafting the declarations from Jamaicans for Justice and J-FLAG. The next day: more meetings with experts, more phone calls with our legal team, and more drafting. In between, by email, I registered for a conference on discrimination/persecution around the opening of the UN General Assembly, got a pro bono law firm to commit to help us write a report on Security Council action in Zimbabwe, and advised a colleague about some non-profit status legal issues. All in a day's work!

\*\*\*\*\*

*Mark Fittipaldi*  
*J.D., Duke University School of Law, '82*  
*2008-09 Wasserstein Fellow*  
*Attorney Advisor, Office of the General Counsel*  
*United States Agency for International*  
*Development (USAID),*  
*Washington, D.C.*

Although many people check their incoming e-mails upon arrival in the office first thing in the morning, it is especially important for me to do so, since all of the USAID Foreign Service lawyers posted overseas (Regional Legal Advisors or "RLAs") whom I "backstop" are at least five time zones ahead. The RLAs are located in USAID offices in Hungary, Georgia, Ukraine and Russia. The RLA in Hungary is responsible for providing legal advice for all USAID assistance programs in the former Warsaw Pact countries of Eastern Europe. The RLA in Georgia provides legal services not only for that country, but also for Armenia and Azerbaijan, and the RLA in Ukraine also covers Belarus and Moldova. When RLAs send inquiries that are particularly urgent, I need to respond right away, since their workdays are coming to an end as mine is beginning. They may come in with such things as questions about the latest interpretation of a particular statutory or policy provision by the USAID Office of the General Counsel (GC), or requests for advice on particular matters arising at one of the USAID overseas missions, or for comments, input, suggestions, etc., on internal and external documents. In the absence of the cognizant RLA at post, USAID employees overseas usually contact me directly for legal advice. My response to any of these incoming inquiries and requests might require touching base first with my colleagues in Washington to ensure that I am up to date on the latest GC position on the policy, statute or other matter in question.

After taking care of any urgent business required by incoming e-mails, I may have to attend a meeting with representatives of one of the offices of my client bureau in Washington, which is the USAID Bureau for Europe and Eurasia (E&E Bureau). The E&E Bureau oversees assistance programs in Eastern Europe and most of the former Soviet Socialist Republics, including Russia. Examples of issues on which the E&E Bureau might seek legal guidance and advice range from compliance with statutory requirements in the design and administration of assistance projects, to competition of contracts and grants to implement such projects, the use and disposal of property acquired with U.S. Government funds, the interpretation of international agreements, delegations of authority to carry out official functions in furtherance of assistance activities, and matters relating to special categories of grantees, such as public international organizations (e.g.,

the World Bank and the United Nations) and the E&E Enterprise Funds. Sometimes my advice requires prior consultations with the State Department Office of the Legal Adviser, particularly regarding the interpretation of treaties and other international agreements.

Much of the rest of my work day is taken up drafting, redrafting and/or finalizing the texts of operative documentation, such as grants, cooperative agreements, memoranda of understanding, etc., as well as of internal supporting documents, including memoranda memorializing compliance with and fulfillment of the many statutory and policy prerequisites for the obligation of assistance funds. Often I need to meet with representatives of the E&E Bureau for clarification of background facts and circumstances which could affect my ultimate legal determinations.

Three times a year, I devote a considerable amount of time to reviewing applications for our voluntary legal internship program for the spring, summer and fall semesters. Once the interns arrive, I have to make sure that they are being kept busy. Their work consists mostly of research and writing on the various legal issues that GC is called upon to address for both the Washington headquarters office and the field.

The resolution of many of the issues that we lawyers are called upon to address in GC very often requires our consulting with one another. Thus, we often meet informally to “talk law” and bounce ideas and analyses off of each other until we reach what we believe is a reasonable conclusion that is solidly backed by law, policy and precedent and then advise our clients accordingly -- which in turn allows our clients to proceed with implementing their assistance activities. This is one of the most interesting and enjoyable aspects of my job.

\*\*\*\*\*

*James A. Goldston*  
*J.D. Harvard Law School 1987*  
*2009-10 Wasserstein Fellow*  
*Founding Executive Director*  
*Open Society Justice Initiative*  
*New York, NY*

I oversee an organization with a staff of about 50, most of whom are lawyers. Half are based in New York. Half are located elsewhere, including in Abuja, Almaty, Amsterdam, Brussels, Budapest, London, Mexico City and Phnom Penh.

Although I work inside a foundation, the program I founded and direct – the Justice Initiative - is really more akin to an international public interest law NGO.

I love what I do, for three primary reasons.

First, I believe the Justice Initiative contributes to meaningful change, whether fostering accountability for the crimes of the Khmer Rouge, combating racial profiling against Muslims and Roma in Europe, or securing legal remedies for natural resource corruption in Africa.

Second, I enjoy seeing and learning about different parts of the world, and my job requires that I travel a fair amount.

Third, my job requires that I engage in a wide range of activities, including the following:

*Advocacy* – I meet/speak/communicate with officials at inter-governmental institutions (the United Nations, the European Union) and national governments to seek adoption and/or implementation of rights-protective policies and practices. I liaise regularly with a variety of NGOs in coordinating advocacy strategies. I also edit legal policy submissions to bodies such as the European Commission and the African Union’s Mbeki Panel on the situation in Darfur.

*Litigation and Legal Drafting* – I write and/or edit briefs in regional tribunals (European Court of Human Rights, Inter-American Court and Commission of Human Rights; African Commission of Human Rights), United Nations treaty bodies and (in cooperation with domestic counsel) national courts. On occasion, I have engaged in oral arguments in the European Court of Human Rights in Strasbourg.

*Management* – I oversee the planning, execution, and evaluation of programmatic activities. This requires that I play a significant role in staff supervision, budget oversight, strategy development, board relations, and other functions aimed at ensuring an effective and efficient operation.

*Popular and Academic Writing* – I write articles in newspapers and law or policy journals on matters of justice, public interest law, and human rights.

*Public Speaking* – I regularly speak on issues of concern to my organization before bodies including the American Bar Association, the United Nations, and the Council of Europe.

*Teaching* – When time permits, I have occasionally taught a course on public interest law at Columbia Law School and the Central European University in Budapest.

“I meet/speak/communicate with officials at inter-governmental institutions (the United Nations, the European Union) and national governments to seek adoption and/or implementation of rights-protective policies and practices. I liaise regularly with a variety of NGOs in coordinating advocacy strategies. I also edit legal policy submissions to bodies such as the European Commission and the African Union’s Mbeki Panel on the situation in Darfur.”

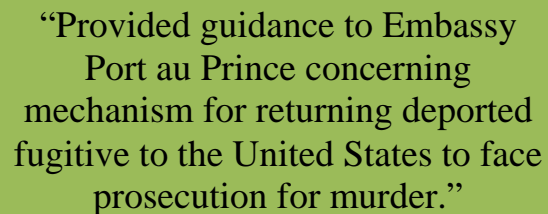
\*\*\*\*\*

*Clifton Johnson*  
*J.D., New York University School of Law, 1989*  
*2009-10 Wasserstein Fellow*

*Assistant Legal Adviser  
Office of the Legal Adviser (L), Office of Law Enforcement and Intelligence  
U.S. Department of State  
Washington, D.C.*

This is a compilation in roughly chronological order of all of the issues that I engaged on my unclassified system on Friday. More information about practicing law in the Office of the Legal Adviser is at: <http://www.state.gov/s/1/3190.htm>

- Consulted with Embassy Rome about resolving obstacles under Italian law to extradition of suspect wanted for murder-for-hire in Puerto Rico. Reached out to victim's family to explain.
- Coordinated with Justice Department's Office of International Affairs on drafting paper for National Security Council concerning options for obtaining custody of arms-trafficking fugitive in the event appeal of dismissal of extradition request in South Asian country is rejected. Discussed with NSC, DOJ and policy bureaus approach for upcoming Senate briefing on issue.
- Assigned lawyer to new L practice group on Foreign Sovereign Immunity Act litigation and discussed State equities with respect to criminal immunity.
- Discussed with Treasury lawyers disagreement over proposed designation of dual-nationality American as narcotics kingpin.
- Collaborated with L lawyers in raising questions about legal theory raised by DOJ's National Security Division for pursuing terrorists that was potentially inconsistent with L's views on customary international law of the sea.
- Reviewed response brief filed in opposition to Declaration I submitted in federal extradition litigation in the 9<sup>th</sup> Circuit. Issue concerns reviewability of Secretary's determinations in extradition cases where torture claims are raised.
- Reviewed and discussed briefing paper on piracy-related issues for Legal Adviser's dinner with UN Legal Adviser.
- Assigned lawyer to assist DOJ in discovery related to alien smuggling case.
- Lunch with young lawyer mentee.
- Provided guidance to Embassy Port au Prince concerning mechanism for returning deported fugitive to the United States to face prosecution for murder.
- Conveyed invitation to AG to participate in EU ministerial conference on trafficking.
- Discussed and developed legal and diplomatic strategy for upcoming UN negotiations of a Comprehensive Convention against International Terrorism.
- Discussed negotiating history of Additional Protocol I of the Geneva Conventions.
- Reviewed and edited reporting cable concerning my participation in an extradition seminar last week with PRC representatives.
- Advised on PRC request for certified U.S. passport copy for domestic prosecution.



“Provided guidance to Embassy Port au Prince concerning mechanism for returning deported fugitive to the United States to face prosecution for murder.”

- Discussed with UK desk and legislative affairs approach towards an upcoming briefing requested by Senate staff on the transfer of the Lockerbie bomber to Libya.
- Reviewed and edited draft of diplomatic note prepared by DOJ for responding to Caribbean country's refusal to act on U.S. extradition request.
- Prepared and submitted weekly report to Legal Adviser.

\*\*\*\*\*

*Kaoru Okuizumi*

*JD, New York University Law School, 1995*

*2010-11 Wasserstein Fellow*

*Policy Coordinator, Department of Peacekeeping Operations, United Nations, New York, NY*

As an international organization, the United Nations is truly global: it is comprised of 192 Member States; it has a presence in most countries; it addresses a range of global issues from peace and security to poverty, health, and the environment; and its staff members represent all corners of the world. Consequently, there are countless opportunities for United Nations staff members to engage in a variety of meaningful, fascinating, and challenging work. This is illustrated by three of my recent assignments with the United Nations.

### **Special Court for Sierra Leone,<sup>5</sup> Freetown (2003-2005)**

- As the Legal Advisor to the Registrar of the Special Court, I advised the Registrar on issues such as the arrest and transfer of accused persons; the conditions of detention of accused persons; the management of court proceedings and court records; and the protection of witnesses/victims.
- I travelled to various States to negotiate bilateral cooperation agreements on the relocation of witnesses and the enforcement of sentences, and also negotiated agreements with organizations such as Interpol (on arrest and transfer and information-sharing) and the International Committee of the Red Cross (on inspection of detention facilities and prisons).
- I drafted and reviewed amendments to the Special Court's Rules of Procedure and Evidence, the Rules of Detention, the Code of Conduct for Counsel, and other applicable legal instruments.
- I made written and oral submissions before the Chambers on matters relating to the Registrar's functions and responsibilities.

“As Justice Policy Coordinator in DPKO’s Criminal Law and Judicial Advisory Service, I oversee the development of policies and other guidance materials for Judicial Affairs Officers in United Nations peacekeeping operations tasked to assist national authorities in post-conflict settings to strengthen their judicial and legal systems.”

<sup>5</sup> The Special Court for Sierra Leone is an international tribunal established pursuant to an agreement between the Government of Sierra Leone and the United Nations, and is mandated to try those who bear the greatest responsibility for serious violations of international humanitarian law and Sierra Leonean law committed in the territory of Sierra Leone since 30 November 1996.



**Office of the High Commissioner for Human Rights (OHCHR), Kathmandu (2005-2007)**

- As head of the Legal Unit of OHCHR's field office in Nepal, I provided legal advice for OHCHR's investigations into violations of international humanitarian and human rights law (such as enforced disappearances, killings, torture, and arbitrary arrests) allegedly committed by Nepali security forces and non-State actors.
- I monitored disciplinary/criminal proceedings and commissions of inquiry involving individuals accused of committing violations of international humanitarian and human rights law.
- I advised the relevant Nepali actors on the human rights provisions of the draft interim constitution, the draft ceasefire agreement and other legal documents related to the peace process.
- I advised Nepali officials regarding draft laws (including the Army Act and the draft law on enforced disappearance) to ensure compliance with international human rights standards.
- I worked with Nepali lawyers and NGOs working on criminal cases and public interest litigation before the local courts and the Supreme Court of Nepal.

**Department of Peacekeeping Operations (DPKO), New York (2007-present)**

- As Justice Policy Coordinator in DPKO's Criminal Law and Judicial Advisory Service, I oversee the development of policies and other guidance materials for Judicial Affairs Officers in United Nations peacekeeping operations tasked to assist national authorities in post-conflict settings to strengthen their judicial and legal systems.
- I manage the development and delivery of a comprehensive training programme for Judicial Affairs Officers deployed to United Nations peacekeeping operations.
- I helped to establish a rapidly deployable team of rule of law experts on sexual violence and armed conflict (pursuant to Security Council resolution 1888).
- I assess the qualifications of candidates for Judicial Affairs Officer posts in United Nations peacekeeping operations.

\*\*\*\*\*

*Tony Varona  
J.D., Boston College Law School '92  
LL.M., Georgetown U. Law Center, '96  
2001-02 Wasserstein Fellow  
General Counsel & Legal Director  
Human Rights Campaign & HRC Foundation  
Washington, DC*

As is the case with many of my public interest law colleagues, there is no “typical” day in my work life. The great variety and lack of routine, in fact, are what make my job so rich and rewarding. To provide you with a sense of what activities may comprise a random workday for me, I thought it would be most illustrative to list some of the activities I have engaged in over the last month. Before doing that, however, I will give you a description of the Human Rights Campaign (HRC) & HRC Foundation, and an overview of how my job fits in to the overall organization’s mission.

**Description of HRC and HRC Foundation.** HRC, a 501(c)(4) organization, is the nation’s largest political and civil rights organization dedicated to achieving equality for lesbian, gay, bisexual and transgendered (LGBT) Americans. Founded in 1980, HRC today has an annual budget that totals approximately \$20 million and a staff of 100 full-time employees and another 15 to 20 consultants. Our headquarters are in Washington, but we have large and active steering committees in approximately 24 of the largest metropolitan areas. Our membership exceeds 400,000. An important part of HRC is our Political Action Committee (HRC PAC), which makes over \$1 million in political contributions to over 200 Federal races in every election cycle, making it one of the largest nonprofit special interest PACs in the nation.

The HRC Foundation, HRC’s educational affiliate (a 501(c)(3) charitable organization), maintains a number of major educational initiatives, including HRC’s website (which receives as many as 4.5 million hits per month), its *HRC Quarterly* magazine, which has an annual circulation of over one million copies, its FamilyNet and WorkNet corporate counseling programs, and the HRC Business Council, which supports the organization’s workplace advocacy initiatives.

**The role of General Counsel & Legal Director.** I came to HRC to launch and direct its first Legal Department. I started working with the organization in 1995 as an outside *pro bono* attorney while I was an associate at the Washington office of Mintz Levin. The *pro bono* work was very enriching and made me think that I would relish the chance to serve HRC as a full-time, in-house attorney. That opportunity came in 1997, when HRC’s executive director Elizabeth Birch saw the need to start an in-house legal department.

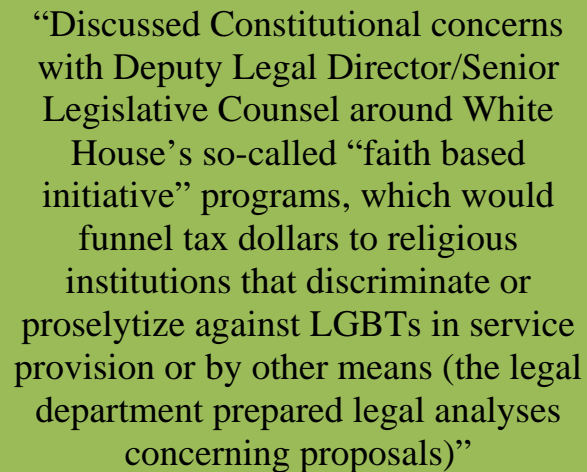
As general counsel/legal director, I have had the unique and challenging (and fun) experience of building a legal department from the ground up. I serve as the organization’s lead corporate and policy attorney and direct all legal department operations. Besides me, the department includes Deputy Legal Director/Senior Legislative Counsel Kevin Layton, Staff Counsel Sharon Alexander, Legal Assistant Cheryl Henson, and a rotating staff of four McCleary Law Fellows, who are law students or recent law school graduates who join us for three-month part- and full-time fellowships. Harvard Law graduate Seth Persily served as a Law Fellow in 1999. The Legal Department is assisted by an extensive network of outside paid and *pro bono* counsel from such firms as Mintz Levin, Latham & Watkins, Powell Goldstein, Hogan & Hartson, Skadden Arps, Arnold & Porter and others. As a department director, I also serve on the HRC and HRC Foundation senior management teams, and act as the Corporate Secretary for both corporations.

### **Sample Activities:**

Below are some of the activities and projects I undertook in the last month. On a randomly selected day, I would have been working on about six or seven of these items (sometimes more and sometimes fewer).

### **Policy Work:**

- ◆ Responded to press inquiry concerning recent sodomy law developments;
- ◆ Interviewed on-camera by CNN on recent census results showing sharp increase in same-sex households;
- ◆ Prepared and recruited panelists for session on judicial nominations for National Gay Lawyers Association national conference in Dallas;
- ◆ Participated in American Bar Association Conference in Chicago, IL;
- ◆ Spoke to the Congressional Hispanic Caucus Institute on LGBT civil rights issues;
- ◆ Helped prepare expert witnesses for, and attended, Senate Judiciary Committee hearing on judicial confirmation standards;
- ◆ Drafted letter to Senate Judiciary Committee in support of confirmation standards sensitive to LGBT community;
- ◆ Coordinated in-depth research on three federal appeals court nominees with questionable records on LGBT issues;
- ◆ Discussed Constitutional concerns with Deputy Legal Director/Senior Legislative Counsel around White House's so-called "faith based initiative" programs, which would funnel tax dollars to religious institutions that discriminate or proselytize against LGBTs in service provision or by other means (the legal department prepared legal analyses concerning proposals);
- ◆ Contacted scholars, including a Harvard law professor, reported to have drafted and endorsed a Constitutional amendment to ban the recognition of same-sex marriage; questioned them on motivation behind drafting and advocated reversal of position (all distanced themselves from Amendment);
- ◆ Received and distributed copies of foreword I authored for the GEORGETOWN JOURNAL OF GENDER AND THE LAW SECOND ANNUAL REVIEW;
- ◆ Attended board meeting of Alliance for Justice, the national association of progressive advocacy organizations, and discussed strategic planning for organization (I was appointed to the strategic planning committee);
- ◆ Worked with Staff Counsel on planning her work in reviewing and tracking state and local legislation affecting LGBTs in all 50 states;



“Discussed Constitutional concerns with Deputy Legal Director/Senior Legislative Counsel around White House’s so-called “faith based initiative” programs, which would funnel tax dollars to religious institutions that discriminate or proselytize against LGBTs in service provision or by other means (the legal department prepared legal analyses concerning proposals)”

- ◆ Worked with Deputy Legal Director in planning department workload in preparation for Congressional hearings on the Employment Nondiscrimination Act, a bill that would prohibit employment discrimination based on actual or perceived sexual orientation;
- ◆ Conferred with allies at the Gay and Lesbian Advocates and Defenders (GLAD) in Boston about HRC supporting as *amicus* GLAD's Motion for Summary Judgment in the *Goodridge v. Department of Public Health* same-sex marriage case (of course, we agreed);
- ◆ Talked to senior aide to Secretary of Transportation Norm Mineta about possible candidates for Civil Rights Director position at DOT;
- ◆ Reviewed legal content in new *HRC Quarterly* and website;
- ◆ Reviewed, edited and approved Summer HRC *LAWbriefs* issue (*LAWbriefs* is a quarterly legal updates newsletter published by the Legal Department and circulated to Washington policymakers);
- ◆ Continued to draft article/interview concerning Joyce Murdoch and Deb Price's new book, *COURTING JUSTICE*, on the history of the Supreme Court's treatment of lesbian and gay Americans, for inclusion in Winter *HRC Quarterly*;
- ◆ Prepared to speak at HRC North Carolina town hall event;
- ◆ With education and communications directors, conferred with two prominent DC lawyers and political consultants offering their services to our efforts in support of persuading ExxonMobil to enact a sexual orientation nondiscrimination policy and extend domestic partner benefits to lesbian and gay employees (as Mobil had done pre-merger);

***Corporate/Organizational Work:***

- ◆ Briefed board of directors of HRC Foundation, both via detailed memo and conference call, on upgraded corporate structure I devised with help of outside counsel, ensuring requisite corporate and financial separation from HRC political organization;
- ◆ Reviewed drafts of corporate resolutions and restatement of by-laws slated for vote at October meeting of HRC and HRC Foundation boards of directors;
- ◆ Approved/edited minutes from March board meetings;
- ◆ Prepared emcee script language recognizing major *pro bono* contributions for HRC National Dinner in October;
- ◆ Flew to Atlanta, GA for HRC fundraiser dinner (with 1200 attendees) to present National Ally of Justice Award to *pro bono* attorney Rob Falk, with Powell Goldstein (Geri Haight at Mintz Levin in Boston won similar award last year);
- ◆ Prepared reviews for Deputy Legal Director and Legal Assistant; counseled new Staff Counsel on job duties and expectations;
- ◆ Reviewed and updated FY2002 department budget to adjust for actual spending trends;
- ◆ Assisted board members of Washington's Whitman-Walker Clinic in devising job description for new general counsel position; also helped identify strong candidates for position;
- ◆ With Staff, planned recruiting schedule for spring and summer 2002 law fellow classes;
- ◆ Wrote briefing memoranda for prospective major donors, proposing funding of federal judicial selection monitoring initiative;
- ◆ Review, edited and approved major contracts for outside consultants, facilities rental and administrative services;

- ◆ Hired new law firm to handle HRC's zoning law work associated with our acquisition and construction of new Washington Headquarters facility (most of the outside real estate counsel work done by Arnold & Porter);
- ◆ Worked closely with Human Resources Director and Managing Director on a number of employment law issues involving our collective bargaining unit and individual employees;
- ◆ Worked with HR Director and outside immigration counsel (Powell Goldstein) on finalizing HRC sponsorship of two foreign national employees for H1-B visas;
- ◆ Consulted with outside trademark attorneys (Mintz Levin) on status of multiple trademark and trade name registration applications for HRC and HRC Foundation properties; reviewed and approved appeal pleading requesting reversal of denial of one registration application.

### ***Teaching***

- ◆ Reviewed and graded summer research paper submitted by one of my students in Georgetown sexuality law seminar;
- ◆ Began preparing/updating materials for spring 2002 seminar.

### ***Special Response to September 11<sup>th</sup> Events:***

- ◆ Consulted with fellow senior managers in response to attacks, including office closing, grief counseling for staff, establishing contact with Staff Members stranded out-of-town, establishing contact and ascertaining well-being of colleagues and friends in New York City (Lambda, ACLU, etc.);
- ◆ Attended memorial service for HRC Federal Club (major donor circle) member David Charlebois, the co-pilot on the flight that was hijacked and crashed into the Pentagon;
- ◆ Proposed development of upgraded emergency preparedness plan to executive director, and began work devising plan with Managing Director and others;
- ◆ Prepared HRC condolence note to the law firm of Wiley, Rein & Fielding (our next door neighbor), who lost Karen Kincaid, a popular communications attorney (whom I had gotten to know at the FCC) in the same American Airlines crash that killed David Charlebois.