

Governor Jennifer M. Granholm

ALL
LAWYERS
ARE
PUBLIC
INTEREST
LAWYERS

We all remember the day we took our oath of admission to the Bar. The details might be different—maybe it was in Lansing, maybe it was in Detroit, maybe you had friends and relatives there to congratulate you, maybe you just ducked in and out anonymously. But we all shared one experience: our oath.

While you might remember that you swore to uphold the Constitutions of Michigan and the United States, do you remember the rest of the promises you made that day? Allow me to refresh your memory of a few of those vows. The language (though not the substance) of the oath has, thankfully, been modernized recently. I cite the version used by those with higher P numbers than I have:

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law.

I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay any cause for lucre or malice.

Truth, justice, honor. Pretty heady stuff, and rightly so. The practice of law is a noble profession. We lawyers are called to be so much more than narrow technicians, implementing the great, mediocre, or ignoble designs of our particular clients. The highest ideal of the legal profession is to make a real difference in the world by serving others.

My Good Fortune to Serve My Entire Career as a Public Sector Lawyer

I've always been interested in promoting this abstract idea we call justice the best way I know how. When I was in law school, my dream was to become a civil rights lawyer. While I enjoyed my law school classes and the intellectual debates about legal theory, I was always primarily concerned about the way the law impacts everyday people. Justice and morality are inextricably intertwined with the technical distinctions of our laws. Justice was the concept that for me turned legalese into poetry and made it something to cling to—professionally and personally. My favorite memories of law school are not of time spent studying in the library, but my time spent protesting outside the Harvard president's office, demanding that the university divest its financial holdings from companies doing business in apartheid South Africa. I'm happy to report that they listened to our cries, and even happier that a few friendly law professors intervened when some in the university administration sought to make me a "former" Harvard law student.

Promoting justice is bigger than winning or losing a particular case, or making or breaking a particular deal. I learned this early in my career. My supervisors in the U.S. Attorney's Office always had a broad picture of the public good. They knew that lawyers play a role in a great drama, but they did not think they were the whole show. When a young assistant lost a trial, it was common for him to hear that there was no shame in losing. His job was to serve justice. Those lawyers who absolutely hate to lose, and who adamantly believe their defendant guilty yet accept an acquittal with pride in the system, demonstrate the nobility of the calling to public service.

I'm sometimes asked about the sacrifices I've made by choosing a career filled with public interest jobs. I find that question odd. I've never viewed any of my jobs as sacrifices. I've viewed the chance to serve as a gift and a great privilege. Yes, I could have made a lot more money by taking a corporate law job. And it's definitely true that my Harvard classmates who took Wall Street jobs probably paid their law school loans off in two years instead of the 20 years it has taken my husband and me. But those monetary differences, in my opinion, aren't sacrifices. To the contrary, it is hard to believe I've been waking up every morning for almost 20 years and getting paid for the incredibly interesting work I've been doing. What's most important to me is that I've absolutely loved every legal job I've ever had. I don't know that my colleagues in law school can say the same about their careers in the corporate world. I've had the opportunity to serve justice and work with talented, committed, public-minded colleagues—true lawyer's lawyers. I've been very lucky.

I'm lucky to have spent my first year as a lawyer learning from the powerful example of civil rights icon Judge Damon Keith. He taught me so much about justice and decency that the words I write could never accurately describe his impact on me. For four terrific years after that, I was extremely lucky to stand up in court every day and proclaim, "Jennifer Granholm, on behalf of the United States of America." That still gives me goosebumps. I was lucky to have been a small part of the economic and social rebirth in Wayne County in the 1990s. I was very lucky to have served with and learned from so many brilliant and dedicated career public servants in the Michigan Attorney General's Office. These men and women were tenacious and humble, and their extremely important work often goes unrecognized. And today, even though many of my fellow governors say I have one of the toughest jobs in the country, I once again feel lucky to be serving our state in this time of

economic turmoil and transition. The decisions we make today will have historic import. I wouldn't trade public service for anything.

All Lawyers Should Be Public Interest Lawyers

When I meet with law students, they sometimes tell me that they would love to take public interest jobs, but with the mountains of debt looming over their heads, while they wish they could do something "good," they're instead going over to what they call the "dark side." In many of their minds, there is either public interest law or private interest law, and never the twain shall meet. What's even more disturbing, some students think that if they choose private practice, they don't really have to worry about notions of fairness or justice or service—that the public interest lawyers will do that for everyone and that they will be free to be hired guns whose legal acumen is sold to the highest bidder. Whenever I get the chance, I try to disabuse students of this terribly destructive idea. I reject the premise that a lawyer has to either be a saint or a sellout. To be true to our calling, true to our oath, all members of the Bar, whether the client is a school district or a multinational corporation, can be and should be public interest lawyers.

In many ways, it's been easy for me to serve the public interest because my jobs were in the public sector. When your client is a government agency, your public interest role is clear. Lawyers in private practice should also strive to serve the public interest, but it's sometimes tougher to understand what that means in a profession that places primacy on the zealous representation of private clients' interests. Zealous advocacy is a good thing—our system seeks to divine truth and justice by creating a clash of two advocates, each fighting for their clients. But some would take the zealous advocate role to the extreme, using it to justify cutting corners, being rude to fellow lawyers, manipulating facts or statutes, negotiating in bad faith, and any number of other traits in which you would never want your mother or any fair arbiter of justice to see you involved.

Lawyers must be zealous advocates, yes, but lawyers also have another role—we are officers of the court. The former dean of Yale Law School, Anthony Kronman, has chronicled the demise of what he calls the "lawyer-statesman" over the past few decades. We lawyers can't forget our public interest role despite the growing pressures of billable hours and demanding clients. We lawyers must strike a balance between becoming mere hired guns who blindly promote our clients' narrow interests and becoming true counselors who provide frank advice to our clients—especially advice the client does not want to hear. We lawyers should advise clients not only to do the legally permissible thing, but to do the right thing. Though some clients may not like to hear hard truths in the short term, it will make them better individuals or better companies in the long term. And even if you lose a client or two by refusing to compromise your own commitment to justice, I think you'll find that the reputation you build as a lawyer with integrity will bring many more clients to

your door. Every lawyer who stands up for what is right and who serves his clients ethically and honestly is a public interest lawyer.

Private lawyers should also commit themselves to direct public service endeavors. I'm proud that we lawyers value pro bono work as an essential role in our profession. I commend the State Bar of Michigan for continuing to seek creative ways to encourage more pro bono efforts and increased access to legal counsel for disadvantaged citizens. Because our system relies on zealous advocacy, we must ensure that all citizens, not just those individuals and corporations with deep pockets, have access to representation and justice. Accept pro bono cases not because it's good PR or a good networking opportunity, though pro bono cases certainly have these results. Take these cases on because it's the right thing to do. Every lawyer who takes on a pro bono case is a public interest lawyer.

Lawyers should also play important roles as community volunteers and leaders outside of their work day. I urge each of you to call your local Big Brothers/Big Sisters chapter and sign up to be a lunch buddy once a week for a child at a school near your office. There are countless other ways to serve. Coach a Little League team. Teach art lessons after school. If you love going to the driving range to hit golf balls on Sunday afternoons, think about volunteering with a junior golf program for disadvantaged kids. Every lawyer who spends time outside of the office mentoring a child is a public interest lawyer.

Serving the public interest benefits others, but it also benefits you. Recent studies show that members of our profession suffer from higher than average rates of depression, alcoholism, anxiety, and suicide. I think I am safe in saying that the lawyers who achieve the greatest satisfaction—the greatest sheer joy—in their careers are the lawyers who find ways to contribute to the public interest.

Serving the Public Interest Isn't Easy

Doing what's right doesn't always lead to obvious results. It's not easy to serve justice. It requires commitment, perseverance, and courage. Many of you have run across Kent Keith's list of Ten Paradoxical Commandments—they've been circulating around the Internet for years now. I'll repeat a few of them here because I think they are instructive:

- If you do good, people will accuse you of selfish ulterior motives. Do good anyway.
- If you are successful, you will win false friends and true enemies. Succeed anyway.
- The good you do today will be forgotten tomorrow. Do good anyway.
- Honesty and frankness make you vulnerable. Be honest and frank anyway.
- Give the world the best you have and you'll get kicked in the teeth. Give the world the best you have anyway.

Not exactly a pretty picture, but all of this is true to some degree. When I think of my supreme model of the noble lawyer, I always

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come back to one of my childhood heroes, Atticus Finch in *To Kill a Mockingbird*. Atticus, widowed and financially struggling, agrees to defend Tom Robinson, a black man falsely accused of raping a white woman. Atticus takes on the challenge and goes right to the heart of racism. He loses the trial. On top of that disappointment, he learns that his client, supposedly attempting to flee, was shot and killed by those guarding him. Paragon of decency, Atticus goes out to the Robinsons' country house to tell Mrs. Robinson that her husband has been killed. He has barely finished consoling her when Mr. Ewell, the racist who precipitated Robinson's false trial, confronts Atticus in front of the Robinsons' home. The two men stand face to face for a long, long pause; then Ewell spits in Atticus's face. An even longer pause ensues—one which allows every viewer to experience disgust and anger and desire for some powerful swing in the pendulum of energy if not in the pendulum of justice. Gregory Peck, as Atticus Finch, removes his glasses, slowly wipes them, silently walks around Ewell, and gets in the car with his son Jem and drives off. In walking away, Atticus brought much more power to bear than in the act of swinging back. Imagine having your own practice described with the words that fit Atticus's behavior—words that are, are they not, fundamentally spiritual: with such forbearance, nobility, forgiveness, dignity, and power.

I don't want to leave you with the impression that serving the public interest is a futile endeavor. To the contrary, every small act of service adds continuously to the shared progress of our human

experience. Robert Kennedy made this point with a beautiful metaphor when he famously said, "Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

In closing, I ask you to remember why you went to law school. I doubt it was because you wanted to spend late nights at the office drafting contracts or writing briefs about the federal preemption of state employee benefit laws. My bet is that it had something to do with serving justice. Remember, too, the words of your oath. Give your job meaning—seek truth, strive for justice, serve others, be noble. No matter what the scope and substance of your practice, be a public interest lawyer. ◆



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