

Michael J. Steinberg

WHY
I CHOSE
PUBLIC SERVICE
OVER
PRIVATE PRACTICE

On my first day of law school, the acting dean delivered an address to the first-year class about the important role lawyers play in society. He implored us to help make the world a better place after completing our legal education.

When the dean was done speaking, he came out of the lecture hall to mingle with the students in the hallway. Eventually, he approached me and asked me why I came to law school. I told him I wanted to become a public interest lawyer and use my legal skills to fight for civil rights or environmental protection. I said that I was also considering a career as a legal services attorney or public defender.

Given the topic of the dean's speech, I was taken aback by his cynical response. Rather than encourage me, he chuckled and said something like, "Do you know how many people say something like that when they first come here? They change their minds very quickly. I predict that you will get a big firm job and not work in any of the areas you just mentioned."

I immediately began to question whether I had made a terrible mistake by leaving my rewarding and fun job of teaching high school history and coaching soccer and basketball. Was the dean correct? Was I going to lose my idealism? Would I, in fact, end up as a big firm attorney instead of working to bring about progressive change? Did law schools merely pay lip service to the idea of lawyers making the world a better place? Should I simply drop out and avoid the pain of studying property and contract law?

As discouraged as I was by my exchange with the acting dean, his response, in retrospect, accurately reflected at least three aspects of the "public interest dance" when I entered law school in 1986. First, a large number of law students entered law school with the hope of becoming public interest lawyers. However, in the course of their legal education, most changed their minds and decided to pursue other paths.

Second, most law schools talked a good game about the importance of public interest work but did very little, as institutions, to enable students to practice in that area. The class offerings, career support services, and clinical law opportunities were extremely limited when it came to public interest law.

Third, the financial realities of choosing a public interest law career as opposed to a more traditional career were daunting. The disparity in pay between jobs in the for-profit and nonprofit sectors was tremendous, and most of us were accumulating significant educational debt. When I was a law student, only one law school in Michigan had established a loan forgiveness program to support graduates who entered low-paying public interest careers.

Despite the dean's prediction, the financial pressures, and other obstacles to working in the public interest sphere, I decided that I would not be happy in a traditional law job. Fortunately, I received encouragement from a handful of professors,¹ students,² attorneys,³ and family members⁴ to pursue my dreams. After clerking for Hon.

Marilyn Kelly and a seven-year stint as a civil rights attorney in private practice, I was lucky to land my dream job as legal director of the American Civil Liberties Union (ACLU) of Michigan.

I cannot imagine a more rewarding job. Every day that I go to work at the ACLU, I strive to advance values that make this country great: freedom, democracy, and equality. I work on a wide range of constitutional rights issues, including freedom of speech, freedom of assembly, freedom of the press, religious liberty, privacy, the right to be free from unwarranted police intrusion, the right to counsel, racial justice, gender equality, student rights, reproductive freedom, lesbian and gay rights, voting rights, and prisoner rights. When we decide what cases to litigate, we consider the "big picture" and usually become involved in only "impact cases" that will set precedent and/or educate the public about the importance of the Bill of Rights.

At the ACLU, I have had the privilege to work with others on cases of national importance, including:

- The recent challenge to the National Security Agency's practice of domestic wiretapping without judicial approval;
- The University of Michigan affirmative action case (where the ACLU intervened on behalf of high school students of color to support the university's position);
- A pending challenge to a provision of the Patriot Act that gives the FBI the power to obtain private records of Americans without a showing of probable cause or even reasonable suspicion that the target is engaged in wrongdoing;
- The case where the United States Supreme Court struck down a Michigan law barring judges from appointing appellate counsel to most indigent defendants who had pled guilty;
- The case striking down a Michigan law that required all welfare applicants to submit to drug testing as a condition of receiving benefits; and
- The post-9/11 case that opened immigration court hearings to the press and public except in cases where the government is able to prove that specific hearings must be closed to guarantee national security.

I have also had the opportunity to work on numerous Michigan cases about which I feel equally passionate, even though they have not received the same national attention. They include:

- A pending case where 93 young people who went to a licensed nightclub to dance and socialize were arrested, strip-searched, and charged with "frequenting a drug house" simply because a handful of strangers in the bar, unbeknownst to our clients, were using or selling drugs;

- The case of a young Catholic man who, as part of his sentence, was sent to a Pentecostal drug rehabilitation house where he was forbidden from practicing Catholicism and coerced into accepting the Pentecostal faith;
- An important racial profiling case involving several young African-American bicyclists from Detroit who were stopped, searched, and, in some cases, had their bicycles taken by the police after they crossed 8 Mile Road into a predominantly white suburban neighborhood;
- A case to ensure that government employers will be able to continue to provide health care coverage and other domestic partnership benefits to same-sex couples and their children;
- A case where all students in a high school gym class were strip-searched in an unsuccessful attempt to find money that a classmate lost.

My job is satisfying not only because the cases are exciting, but also because of the dedicated people with whom I work. Those who work at the ACLU and other public interest organizations are not motivated by the desire to get rich, but rather by the desire to achieve the greater good. I believe that this difference helps to create a wonderful, collaborative, and supportive atmosphere in the office. Though we often work long hours, we do so because we want to and without resentment. Our work to preserve civil liberties and civil rights is a labor of love.

It is also inspiring to work with the more than 100 volunteer lawyers from across the state who believe in the ACLU's mission. Cooperating attorneys come from many different backgrounds, ranging from partners in the biggest firms in the state and seasoned law professors to young attorneys in solo practice. They selflessly donate hundreds, sometime thousands, of hours working on ACLU cases when they could be charging clients hundreds of dollars per hour for their work. Last year alone, they donated nearly a million dollars' worth of time to our legal program. Why do they do it? Because they want to use their legal skills to ensure that the government does not trample on the rights of ordinary citizens.

I find it particularly gratifying to help groom the next generation of civil liberties and civil rights lawyers. Each year, law students from Michigan and throughout the country apply for internships. I try to teach them that the law is not just a tool of the rich and the powerful. Lawyers can, with the right combination of skill and creativity, use the law as a means to advance social justice. My goal is to empower students to understand that they have the ability to make a difference in the world. And it gives me a tremendous sense of pride when some of these interns go on to public interest jobs upon graduation.

Old friends and relatives sometimes ask me some version of the following question: "Why in the world would you work around the clock for a job that pays peanuts when you could be pulling in the big bucks and living the life of luxury as a big firm lawyer?" Some point to the example of the best man at my wedding, a dear friend from college, who makes more in one year as a partner at a New York silk stocking firm than I will make in 15 years.

I tell them that I work around the clock for civil liberties because that is what makes me tick. I derive happiness from doing my

part to ensure that those who follow us will enjoy the same political freedoms that we do today.

In my view, civil liberties and civil rights in this country are facing an unprecedented attack. I cannot stand idly by and watch our freedoms slip away. For example, it frightens me that the Bush administration claims that it has the inherent authority to wiretap Americans without judicial approval and without probable cause to believe that the surveillance will reveal criminal activity. Such claims smack of a Big Brother society that we, as a nation, abhor. In my mind, people should not question my rationale for working for the ACLU; they should ask why lawyers are not doing more to protect the constitutional fabric of this country.

It is true that my family would be more financially secure if I had taken a more traditional law job. But I do not think that I am making a tremendous financial sacrifice as a public interest lawyer when my family's standard of living is considerably better than the vast majority of Americans. Sure, I do not drive a luxury car or have a vacation home on Lake Michigan. And even though my wife earns more than I do, we are going to have to scramble to put our three daughters through college. But we are hardly living near the poverty line, and I do not feel sorry for people who give up some financial rewards in order to have a rewarding job.

It may sound corny, but the bottom line for me is that in 30 years when I slow down, I want to be able to look back on my life and know that I contributed something positive to humanity. When my grandchildren ask me what I did with my life, I want to tell them I did my part to make sure that they grow up in a democracy that values civil liberties, civil rights, and freedom. I want my grandchildren to think that their grandfather helped make the world a better place and to carry that legacy with them into the future. ♦



Michael J. Steinberg is the legal director of the American Civil Liberties Union of Michigan. He graduated from Wesleyan University with honors in 1983 and is a 1989 cum laude graduate of Wayne State University Law School. Before joining the ACLU staff, he clerked for the Hon. Marilyn Kelly at the Michigan Court of Appeals and then entered private practice in Ann Arbor as a civil rights and appellate specialist.

Footnotes

1. I want to especially thank my constitutional law professor-for-life, Robert Sedler, whose enthusiasm for protecting the Bill of Rights was, and continues to be, inspiring.
2. A core group of students active in the National Lawyers Guild supported each other's political and career interests during law school. Several of us pursued public interest careers, including Paul Sher, who manages the Ann Arbor office of South Central Michigan Legal Services, and Penny Beardslee, who works at the Federal Defender Office in Detroit.
3. Several attorneys with whom I worked as a law student and as a young lawyer taught me the ropes of being a "people's lawyer," including Bill Goodman (now legal director of the Center for Constitutional Rights), Dick Soble, Deb LaBelle, Dan Manville, Ralph Simpson, Paul Denefeld, and Kary Moss.
4. My father, who gave up a successful business career to become a high school teacher and then a headmaster, was my most important role model.