

University of Washington School of Law

Transcript: Gates PSL Speaker Series - "Making A Difference Using Your Law Degree"

Don Horowitz and John McKay

February 23, 2009

Michele Storms:

Good afternoon everyone and thank you so much for coming and being a part of our Gates Public Service Law Speaker Series. My name is Michele Storms, I'm the executive director of the Gates Public Service Law program. And it is a distinct pleasure to be able to bring you this series, and particularly to bring you the two gentlemen who you'll be hearing from this afternoon. So, thank you for being here.

Our program is very much focused on not only providing scholarships for law students so that they can make a choice to have a public service career without a concern about law school debt, but it's also very largely focused on providing programming within this law school community and without the community to help people be aware of ways in which they can do public service with their law degrees, whether they're going to be a full-time public interest attorney working for civil legal aid, working for the government at the AG's office, becoming a judge one day, or being a private practitioner volunteering time to serve the needs of our justice system, which is a great need that we have.

So, what I want to do is tell you a little bit about these two gentlemen before we begin. Because the breadth, the depth, and the variety of the ways in which they have practiced law and done public service is just exactly perfect for the story that I hope that our program helps to get across to our community at all times.

So, going alphabetically, since they're both so wonderful, I'm going to start with Donald Horowitz who has been active in the justice and legal systems since 1959, give or take, and he has continued to be fully involved in efforts. He was in diapers at that time. [laughs]

Don Horowitz:

And about to be right now again. [laughter]

Michele:

So, he graduated from law school in 1959 and moved from Brooklyn to the state of Washington, and first served as a law clerk to Justice Harry Ellsworth Foster at the Supreme Court of

Washington. From there, he was an associate with Foster and Foster in Olympia. He's been a partner with the Seattle firm of Ferris Banks and Horowitz.

He served on the King County Superior Court bench as a judge from 1974 to 1977, after which he joined and became a partner in the Levinson Friedman Firm in Seattle. He's also been a Senior Assistant Attorney General for the State of Washington, and was the first chief counsel for the Washington State Department of Social and Health Services, and later that department's deputy secretary.

Now, most recently he has been active as a mediator and as an arbitrator. But, as I mentioned again, that breadth and depth from being a public service attorney, from being a private attorney, from being a judge.

But, there's more because he's been involved in a lot of public service activities - everything from a consultant on the Governor's Task Force on Decision Making and Corrections, Jails, and Detention Facilities.

He's been a member of the Governor's Advisory Council for Drug Abuse Prevention, and with numerous organizations devoted to helping individuals with disabilities in Washington, in addition to being the founder of the Central Area Mental Health Center.

And where I first met him was with the Access to Justice Board in Washington State, championing the idea of a technology, principles of technology, such that as technology evolves and bounds forward, that it shouldn't be a barrier to access to justice for those who might not have access to those technologies. So, that's a little bit about him.

Now, John McKay over there to his right is currently an adjunct professor at the Seattle University School of Law, where he teaches national security law and constitutional law of terrorism. He is a Seattle native with his BA from University of Washington and law degree from Creighton University. He has been an aid to Congressman Joel Pritchard. He has a long record of public service.

Now, in addition to his service as a US Attorney for the Western District of Washington, in which he served with absolute distinction and utmost integrity, he was president of the Legal Services Corporation. And he helped to keep legal aid dollars flowing all over this country for low income people in need of legal assistance.

He's also been a partner at Cairncross & Hempelmann. He's received a Pro Bono Lawyer of the Year Award from the Washington State Bar Association in that capacity, past chair of the of the Equal Justice Coalition, chair of the Campaign for Equal Justice.

He has been a White House Fellow. It just kind of goes on. And last year with this brother, received the Courage Award from the Goldmark Foundation. So, they have done quite a bit. I know you're itching to go, but this is my last chance.

Michele:

I just have to say, it is such a pleasure to have these two gentlemen in our community doing work. It is a huge pleasure to have them as friends and colleagues in this work. They are passionate, they're activists, they're interesting and entertaining as you will soon find out.

And they just never hesitate to respond to the call for service. So, I think this is going to be something that you will get a lot out of today. And without any further adieu, please join me in welcoming Don Horowitz and John McKay. [applause]

Don:

I should add that both John and I agree completely that one of the people we have... Absolutely there's no one we respect more in this state than Michele Storms, in very many aspects of what we do. [applause]

Don:

Well, Michele stole my thunder. I was going to tell you that I was raised in Brooklyn, New York and came out here for a one year job, that being a law clerk for a Justice of the Supreme Court of Washington. And that was a coincidence and an opportunity that was like many of the others which we'll talk about later.

This year will be my 50th year in the state of Washington, from the one year job. And I would like to demonstrate to you kind of how, in 1959, it was for a boy from Brooklyn to come out to the state of Washington.

[plays scene from the movie "My Cousin Vinny"]

Gambini:

Mr. Tipton, when you viewed the defendants walking from their car into the Sac-O-Suds, what angle was your point of view?

Tipton:

They were kind of walking toward me when they entered the store.

Gambini:

And when they left, what angle was your point of view?

Tipton:

They were kind of walking away from me.

Gambini:

So would you say you got a better shot of them going in, and not so much coming out?

Tipton:

You could say that.

Gambini:

I did say that. Would you say that?

Tipton:

Yeah.

Gambini: Is it possible the two yutes...

Judge:

Two what? What was that word?

Gambini:

What word?

Judge:

Two what?

Gambini:

What?

Judge:

Did you say, "yutes?"

Gambini:

Yeah, two yutes.

Judge:

What is a yute?

Gambini:

Oh, excuse me Your Honor - Two youths.

Is it possible the two defendants entered the store, picked 22 specific items off of the shelves, had the clerk take money, make change, then leave? Then, two different men drive up in a similar....

Don't shake your head. I'm not done yet. Wait till you hear the whole thing so you can understand this now.

Two different men drive up in a similar-looking car, go in, shoot the clerk, rob him, and then leave?

Tipton:

No. They didn't have enough time.

Gambini:

Well, how much time was they in the store?

Tipton:

Five minutes.

Gambini:

Five minutes? Are you sure? Did you look at your watch?

Tipton:

No.

Gambini:

Oh, I'm sorry, you testified earlier that the boys went into the store and you had just begun to make breakfast. You were just ready to eat and you heard a gun shot. That's right, I'm sorry. So, obviously it takes you five minutes to make breakfast.

Tipton: That's right.

Gambini:

Right, so you knew that. Do you remember what you had?

Tipton:

Eggs and grits.

Gambini:

Eggs and grits. I like grits too. How do you cook your grits? You like them regular, creamy, or al dente?

Tipton:

Just regular, I guess.

Gambini:

Regular. Instant grits?

Tipton:

No self-respecting southerner uses instant grits. I take pride in my grits.

Gambini:

So, Mr. Tipton, how could it take you five minutes to cook your grits, when it takes the entire grit-eating world 20 minutes.

Tipton:

I don't know. I'm a fast cook, I guess.

Gambini:

I'm sorry, I was all the way over here. I couldn't hear you. Did you say you're a fast cook? That's it? Are we to believe that boiling water soaks into a grit faster in your kitchen than on any place on the face of the earth?

Tipton:

I don't know.

Gambini:

Well, perhaps the laws of physics cease to exist on your stove. Were these magic grits? I mean, did you buy them from the same guy who sold Jack his beanstalk beans?

Tipton:

Objection, your honor.

Judge:

Objections sustained. Ignore the question.

Gambini:

Are you sure about that five minutes?

Tipton:

I don't know.

Judge:

I think you made your point.

Gambini:

Are you sure about that five minutes?

Tipton:

I may have been mistaken.

Gambini:

I have no more use for this guy.

[video clip ends]

Don:

Well, there's some humor in that, but there's also a story and there's a lot of humor in that.

First of all, I need to tell you that two years after I arrived here, I was making an argument, my first ever argument to the State Supreme Court. And the court knew me because I had been a clerk there. And I stood up and, in my inimitable style at that time, I said, "May it please the Court, my name is Donald Horowitz and I am the attorney for the appellate." And I was about to

start in on my argument, when Justice Finlay looked down at me and said, "Mr. Horowitz, could you please repeat that? I've got to hear that again." [laughter]

Don:

So, I, and later when I watched "My Cousin Vinny," I knew that they'd stolen it from me.[laughter]

Don:

But, the point I want to make here is - there are two points to put today and they're intertwined, and John and I will, hopefully, talk about them together throughout the day. And one is, public service comes along in ways you'd never guess. You could be the cousin of somebody who stopped in the South and you want to make sure that justice is done. And one of the things, if you've ever watched that film, that happened was that as the film went along, Vinny began to develop his skills.

And one of the things that is very clear, after almost 50 years in my case and a lot of years in John's case as well, is that if you're going to do public service, in whatever form, whether you are going to be a house counsel or in a law firm, but doing it as a law student even in clinical situations, wherever you are, you must always have your eye on your skills and the development of your skills and learning how to improve your skills. Because, if you're going to do public service, you've got to be at least as good as whoever is on the other side, which usually has a lot of resources, it's powerful, it's government, it's large corporations, it's firms.

And it's also you're trying to break inertia, the inertia of obstacles, the inertia of barriers, the inertia of the outsiders, the inertia of the poor not getting it or the disabled not getting it, et cetera. And that's, you're trying to break Newton's second law of physics, because it's bodies at rest tend to stay at rest and bodies in motion tend to stay in motion. You've got to be good.

And John and I didn't start out any smarter than you, I guarantee you. We started out confused, we didn't know exactly what we were doing and we'll talk about that later, but we did start out with the idea that we were going to love the life we were going to lead. We were not going to hate eight hours of every day or 10 hours of every day or 12 hours of every day. There was going to be something we loved to do in every day. And in the practice of law, hopefully, in the full-time job, but also, if not, if we had to do some things that were sometimes boring, sometimes things we would prefer not to do, there was always going to be public service and the values that we had been brought up with in our lives.

And we've come out of completely different ways, but that's what we chose to do. And it's been a marvelous, a marvelous time and the opportunities - and we're here to talk about the opportunities. You never know when the opportunities will come along, never. And you never know quite what they will bring and you have to be ready. You have to make a judgment because you've got a family maybe to take care of or a career you're thinking about, but you have to make a judgment that this is an opportunity, it's a little unusual, but this might be something that I'd really enjoy doing and I can make a difference. I can make a difference.

So, this is the theme of what we hope to talk about and why don't we move on from this. And this is something I came to understand later in my career. You know, we think about justice and what is justice and kids know what justice is. They know what fairness is, which is what that is.

But, I realized the longer I'd been in the practice of law and on the bench and places like that, it has to be practical and concrete in people's lives. It cannot be just a concept. It has to be on everyone's, not their dining table, they're kitchen table where things happen. And it has to be as concrete and common as the staple in people's lives, whatever their culture. And in our culture, it's bread, it could be in other cultures rice or yams or whatever it is, it has to be and it should be there every day on everybody's kitchen table. That's the ideal. That's the ideal.

And what you do has to affect peoples' lives. It can do so abstractly in some ways and it's going to come down or it can do that very directly. And sometimes it's good to have a bit of both. But, that's what it has to be about. So, that's my view of justice.

Now, I don't know how much time we've got, you're going to tell me. The first day I ever was a law clerk, the justice for whom I clerked said, "Article I, Section 32 of the Washington State Constitution is something you should look at. It's an unusual provision in the Constitution of this state because it doesn't set up anything, it doesn't prohibit anything, it doesn't create anything, it's simply a statement." And he said, "I'd like you to think about this and to remember this all of your career, because fundamentals, the fundamental values of what we are about is something to always revert to and that will get us, ultimately, to individual rights and the perpetuity of free government."

And I can't tell you how true that was and, in fact, there are some people I know who have used that quote in some cases that they've written as judges. But, keep that in mind; it's something that has always been a reminder to me. It's like any other thing, fundamentals are really important and then you can move on from then, but if you keep the fundamentals in mind.

Now, this is a little bit about the first 10 years of my practice and I need to - how're we doing?

Michele:
OK.

Don:
OK. I need to tell you about... I practiced in Olympia. I wanted to learn how to really be a lawyer and I wanted to be, you know, do cases of all kinds right in... My very first case was in the court of a lay justice of the peace in Tanana, Washington. He was not a lawyer, his 90-year-old mother was the court clerk and I was sitting next to a space heater in May and perspiring profusely. And I was defending somebody who had been charged with beating somebody else up in a bar because he said something nasty about his wife. I'm not going to tell you that story, but that's how things began. [laughs]

But, I wanted to tell you about, when I practiced in Olympia and I got a lot of variety of things. And, one time, somebody - there were some new people in town who were from Puerto Rico. Now, Olympia was, at that time, pretty much a bedroom town. It was white people, 1959, 1960.

There were black people that worked there; they went back home and lived in Tacoma; and it was the state capital.

This was before the freeway and it was before the Space Needle. But, there were some Latino mushroom farm workers, young people, who were working on a mushroom farm. And they were being dealt with differently by the local supermarket, they were being stopped, they were being searched, et cetera, et cetera. And somebody said, there's this young lawyer from New York who's looking for clients, go talk to him. So, they did.

And it was a little - it was, you know, not a big case, but it was about the right thing to do and it was about thinking, I maybe get in trouble with the establishment here if I take this case on, so what? Let's go. And so, I went to the people who owned the place and I represented these young men as best I could. And we were able, fortunately, to get a written apology and get a little bit of money for them. It wasn't a big case. But, it was one of those little "yes's" that sometimes you say - you know, it's a small case, you just want to do it because it's the right thing, you are starting out and you should be doing that.

And, what happened from that was remarkable, because there weren't many people in Olympia who were willing to do that at that time. And, subsequently, an extradition case, which I won't talk much about right now, came my way because they had heard that I had done this mushroom case, and the ACLU called me and asked me to do something about a year later.

And I got to be co-counsel with somebody named Carl Maxey. The UW Press has just published a book on the life of Carl Maxey. He was about 10 years older than I. And this was one of his sayings... And, I was reminded of it by his two sons who are now practicing law in Spokane. And, Carl was a Spokane practitioner. I'll tell you more about that case later today.

I want to talk briefly. Obviously, we are time limited, and why don't we go back to the bio. There were a variety of roles I had. I'll go back to the first one.

As a private practitioner, I came to Seattle in late '63. I took on a number of cases. I was basically a trial lawyer. I did a lot of plain trial work, but also, because of my background in Olympia, I was sort of a generalist.

There were a variety of things that were going on at that time. And in private practice, I had an interest in mental health. I got a chance to get involved with some people who were setting up a mental health center in the Central Area. I did the legal work for nothing. I got on the board. And then, for one year, I was the president of the Central Area Mental Health Centre.

And thus, got active in the civil rights movement, and was working with the people who saw that, "You know, this guy is not too shabby as a lawyer!" I wasn't looking for clients. But, you know, you are on a board, people start asking you to do things and you build a clientele. This is where public service and self interest meet, and there is nothing wrong with both. You can keep that in mind. Public service - do a good job, have skills, self interest will follow. And, you don't need to make a big deal out of it.

But, I was very taken with a speech that the then governor, Dan Evans, made after Martin Luther King was assassinated. And, I decided to write a letter to the governor - I had never written a letter to any public official in my life - and tell him what I thought about his speech, and tell him that I thought that the Kerner Commission report had come out nationally about problems of racism and violence in the country. And people here were saying, "We don't have problems like that. That's, New York, L.A., Chicago," and all of that.

And it was not true, but we headed our own characters. So, I wrote this letter to the governor saying, "You might think about looking into this from our state. I mean, we really need to do this." So, I thought I would never hear anything again. Next thing I know, two weeks later, I get a phone call from the governor's executive assistant, and he said the governor really liked your letter and he's going to do something about it.

A year later, this report was issued by the State of Washington. It's called "Race and Violence in Washington State - report of the commission on the causes and prevention of civil disorder." I was asked to be on that commission. I met a lot of wonderful people, and we made recommendations. It was a positive report. And there are many of the recommendations and from 1969 that became law in the state, or became practice in the state.

My friend John says that this was something that was actually used in one of the classes you took at the University of Washington. I didn't know that. So, what I want to say to you is... And we will talk more about other things that happened in my career later, but it's time for me to move on and give John a break. But, to let you know that opportunities can come up in a whole variety of ways, and we will talk about some of those.

Now, speaking of my friend John McKay, we got to know each other when he was the head of the National Legal Services Corporation. Because, somebody said I ought to talk to him, because we were working about technology and the legal system back in the early part of the year 2000. And we immediately saw that we were friends. We shared values and we wanted to work together.

And it has been an absolutely marvelous thing being part of John's life and having John be part of my life. And watching him, in some ways, become an icon. Because when he took the oath for the constitution to be the U.S. Attorney, he took the oath to the constitution of the United States, and not to any particular political party or any particular person, as a consequence of which, he became gainfully unemployed for a brief period. And it was during that time that we conceived of doing these kinds of classes and working together.

But, it was an interesting thing. Here's somebody who gets fired, OK. Now, lots of people get fired in this country. What was the big deal? Well, I guess it was a pretty big deal because the next thing you know, he was on some television program called "Meet the Press."

[video clip from the program Meet the Press]

From NBC News in Washington, this is Meet the Press with Tim Russert.

Tim:

Our issues this Sunday - the battle over the U.S. Attorneys. The Democrats vote to subpoena the White House staff. The president stands by his attorney general.

Former President, George Bush: He's got support with me. I support the Attorney General.

Tim:

This morning, exclusive interviews with two of the US attorneys who lost their jobs. David Iglesias of New Mexico and John McKay of Washington State.[video clip ends]

John McKay:

You know the funny thing is this is still going on. The lawsuit by the Congress against the executive branch is still pending in district court. It's an actual constitutional crisis pending against decisions by the new administration on how to handle claims of executive privilege. It is sort of interesting if you aren't involved. I tell people this is like going to a play and you are sitting out there watching and, all of a sudden, you realize, you are in it. And that's what can happen sometimes when you get involved in these things.

Don, thank you and, Michele, thank you for the nice introduction. I just want to acknowledge Terra Evans who is here. She is a second year law student, and happens to be my student in constitutional law of terrorism. She has helped put all of this program together, and has traveled with us as we have given this symposium, usually in a longer format, over several days at our law school at Seattle University, but also at Gonzaga law school. And we have been invited elsewhere to give our presentation and sometimes in an abbreviated form like tonight.

What we are trying to do here is not talk about us and our careers. And when Don and I present this, the thing we enjoy the most, is to bring some of the incredible colleagues that we have in the bar who are doing fantastic things - great public service, awesome pro bono cases, taking up the cases of the poor and the powerless, and talking in their own voice about why that is a valuable thing to do.

I know that law students and newer lawyers don't need to be preached in that way, which is why Don and I want to put examples up there. And the short hand way is to go through some of the mistakes and some of the wonderful things that have happened in our lives. And what we hope to accomplish is to get more people. We know this room has people in it who already know how to say "yes," who recognize injustice when they see it and, in fact, are either pursuing a law degree or working with the gift of a law degree to use it for those who are less powerful and those who need help, and that's what it's all about.

But, there's an amazing phenomenon in the law practice. And that begins in law schools like this one, like the one where I teach and, like, many I visited - I think I probably visited about 25 to 50, somewhere in that range. The law schools where I was president of Legal Services. And sometimes, it feels like we are getting the idealism crushed out of us in the practice of the law, sometimes even beginning in law schools. I think that is why I am so pleased and impressed with this program that Michele runs and with the commitment here at the University of Washington to promote social justice and to promote the idea that we can say yes.

I have to say every time that I hear Don Horowitz talk, the truth is - all of those examples he gave on that fancy bio sheet with the four quadrants - he said yes before he ever thought about ever making a nickel. He said yes, because it was the right thing to do.

What we want are more people who will say yes. The law firms, the corporations and even the government prosecutors, defense lawyers, legal aid lawyers and everyone; we get to a place where we have to say no. That's right for a family some of the time, but not all of the time. We hope that by showing some of these examples, we will be getting there. So, quickly, I want to talk about mine. [laughter]

John:

It's a little simpler; it's a little simpler. I concede. So, you can start right in the middle with "got fired."

It's kind of funny. I do give a talk to high school students. I tell them that they should aspire to be fired. What I mean by that is many of us - and I think this is particularly true lawyers and especially those who get called to leadership in different forums - you will have moments where the decision that you make will adversely impact you personally. It may impact things you believe in, because you're called upon to do the right thing.

I am not standing here to tell you that I am a paragon of right decision making. But, I think I know when the right thing is the right thing to do, when the wrong thing is staring you in the face. Oftentimes, that presents itself in a way in which you will anger people whose goodwill you seek - either a boss or somebody who can give you support for something that is an important program. And yet, the thing that you're being asked to do is wrong and, in some cases, maybe even illegal. You have to be able to do the right thing and pay the consequences, which are to lose your job.

So, I give this talk about aspire to be fired, because it's the right thing to do. If you're going to lose your job and you're going to suffer personally... I didn't suffer greatly. I would say that I went through a two-month or so period where I was pretty sure nobody really wanted to talk to me before the word really came out that there had been some improper activity, which I suspect from the beginning, and in particular with regard to the governor's election in 2004.

I don't really want to go through all of that, but I do want to say that I started taking pro bono cases at Lane Powell, which was the firm I went to after I got out of law school and came home to Seattle.

I was born and raised here, unlike Don. Don and I, by the way, come from... He would describe himself as a Democrat probably, you know a true-blue liberal. I spent most of my political life as a Republican. I am proud to say that I am no longer a Republican; I'm an independent.

But, I spent my life as a Republican working in Republican causes, appointed by a Republican president more than once. So, Don and I couldn't be further apart politically, but it's amazing how many times we come together on what the right thing to do is. And among lawyers, I see Michele nodding her head, and there are other great friends in this room. Jackie is over here, Joe

Brotherton and others. They are all in the fight together about Justice and how to pursue justice. There is very little room for disagreement.

I will just add this one caveat to that. Neither Don nor I nor any of the great people in this room... I'm looking at my friend, Sandy Madrid, so how many times we've sat in committee meetings and worked towards diversity and other really great stuff in our bar association. Don't ever let anybody tell you what the common good is or define it for you. You have to do that for yourself. You can't let anybody tell you what the right side is on the justice coin. It will be obvious to you, based on your values. We're not here to preach those to you, that there is some political correctness calendar floating around. We absolutely don't have that.

I don't really want to go through this other than at my law firm a lawyer by the name of Mack Kenney came into my office about the third day that I was at work. He said, "We do pro bono here." I remember thinking wow, pro bono. I have all of these other things I'm supposed to do. Oh OK, I guess we do pro bono here. He signed me up, and I started volunteering at Evergreen Legal Services, which is the forerunner to Northwest Justice Project in Columbia and Legal Services here. I began doing that work on a very regular basis and just never stopped.

I feel very fortunate that someone came into my office and kind of grabbed me and said, "You have to do this work." It made a huge difference in my life and led to much of what is happening here, including the thing in the middle, which again I don't regret. Can we get that off the screen? I'm ready. [laughter]

John:

This is kind of funny. This is a David Horsey cartoon, which shows up when you look at about 150 to 200 editorial cartoons about the firing of the US attorneys; this will show up. They were from all over the country, and my former friend, Alberto Gonzalez, did not come out looking very good in this. I think we could probably all agree.

Are we ready to move? As a more current example of what saying yes to social justice means, Don and I returned after spending the month of October in Arusha, Tanzania and Kigali, Rwanda, where we were working at the war crimes tribunal for the Rwandan genocide. I have to say that the amazing thing about working with someone like Don Horowitz is that you find that no matter where you are in your life, there is always a way to contribute to people who are in need of what you can do.

As lawyers, we have such tremendous skills that we can give. Of course you know that in Rwanda in 1994, in the space of about 100 days, 800,000 to a 1,000,000 people were killed, mostly by machete. If you think of the enormity of that, it's something like every person who lives in Tacoma and Seattle - killed in a very small country by the way and mostly for the crime of having an ethnic origin which was not like the other.

So, if you were a Tutsi and not a Hutu, then you were going to die. If you were a Hutu who supported the Tutsi; if you said, my friend is a Tutsi; if you were married to a Tutsi and refused to kill your spouse or your child; you were killed. What made this genocide was that the Hutu were in power. So, the Hutu, whether it was the government officials themselves or those who

came to them and helped them plan it, they killed the men, women and children. So, it really was the government in power, which saw to exterminate the Tutsi people and made it genocide.

So, Don and I and several of my colleagues at the law school, and to include law students - some of whom may be here in this room... Is there anyone here who was part of the support team for Rwanda? I know that we had several law students here at the University of Washington. I will publicly thank them for that work.

We went to interview on camera the judges, prosecutors, defense lawyers and investigators, who had been working since 1995 to try to - I want to say "bring justice." But, it's a very hard thing to say and think about, when you think about how you can bring justice in a place where 800,000 people were killed, which you know means hundreds of thousands of people killed hundreds of thousands of people. So, what the United Nations did in the International Criminal Tribunal for Rwanda is try to set up a system which would allow the planners and the leaders of the genocide to be tried. We interviewed those individuals.

We wanted to give you just a taste of this, because my life as a lawyer has involved mostly domestic work, as a prosecutor, as a civil trial lawyer and as pro bono lawyer. I never dreamed that I would be in Africa working on the very same issues, but in a different form. Because really, justice issues are justice issues, whether they are on the streets in central Seattle or they're in the streets of Kigali.

We traveled, as you can see. Arusha, to your right, is the site of the tribunal. It was set up in 1995, because Rwanda was still essentially in civil war. So, it was set up in Arusha. The many witnesses that we sought, we wanted to put their thoughts and ideas about what happened on tape, so that researchers looking at the question of genocide would have some place to go in a central repository.

I am very proud to say that the University of Washington is playing the leading role in the accumulation of materials from the tribunal; probably the world leading role. It's possible that the University of Washington will become the repository of all records.

One of those records is going to be hundreds of hours of interviews of leading officials. So, here, I'm going to give you an example of this. These are interviews in which the interviewer you are not going to hear.

Don, did you do this one? I can't remember who did all of these.

Don:

Yes, I did part of it. Two of us did each interview. I did this one with one other person.

John:

Mr. Omisuga who you are going to hear a very brief clip from; this is an example, as I said, hundreds of hours from judges, prosecutors, defense lawyers. He happened to be the chief public affairs person, but he's describing a moment during one of the trials that we'd like you to hear about.

Keep in mind that the tribunal in Rwanda for the first time had to consider the question of rape as genocide. And so, let's listen.

Don:

He also created the Witness Protection Program for this body, for this tribunal. So, have that in context, too.

John:

This is rape as genocide.

[video clip starts]

Omisuga:

... the chief of transportation. The first time I cried in this court was the day I brought in an old lady, an 85-year-old lady, whose kids were all killed, had been killed, and she was raped. I brought her in court here to testify in the first case. This lady, I did not speak clear Rwandan. I used an interpreter. We developed a kind of special relationship. She was so funny. You'll never believe what she went through.

Now, when she entered the courtroom, we prepared her when she entered the courtroom. She was smiling and when they asked her, "Witness, could you identify the accused person?" The old mama stood up and wanted to see the prosecutors, please. They would all wait. She looked at them, looked at one of the few blacks in the team of the prosecutors. She moved away. She looked at the prosecutor. She moves away. She looked at the judges. She moves away. She looked at the registry members. She moved away. She looked at the defense counsel. She moved away. She looked at the accused person. She moved away.

And when she came again to the accused person, she bowed to the accused person and went back to sit. She said, "Where is that accused person?" "He is there." "Who are you talking about?" "He is there." The judges said, "Can you point the finger?" She said, "In my culture, you don't point your finger to powerful people." She said, "No. He was the mayor and the mayor was most powerful." And the court agreed that the lady had recognized the accused person on the basis of that sign.

And then when we went to... They said, "Mama, how do you feel?" She said, "I am so happy. I could not believe that I'll have this day in my life to see the son of God to be there with handcuff. No, it's not possible. I can die today and go and see my kids and report back to them that justice has been done."

[video clip ends]

John:

Many times during this time in Africa we say just these incredible statements of people who were part of the tribunal who every day witnessed the kind of scene that you just saw there. Even though she's not present, you could see the old woman that he's talking about and how really important that is.

I will tell you quickly there was an individual that I interviewed who was the chief of appeals, and he checked into a hotel room in Kigali in 1995, so a year after the genocide. It was his first visit into Kigali as a prosecutor. He later, as I said, was chief of appeals. He said he checked into his hotel room. He went in. He opened the closet to put his suit inside, and there was a corpse inside the hotel room.

This was a very professional, well-spoken attorney who had appeared in front of the highest tribunals of the world. And he said that he was so affected by this, that he could no longer go into a hotel room. And all the many times he returned to Kigali, without being three or four floors above the ground and knowing that every person that he ran into was either a genocidaire, or someone who was a killer, someone who was a witness, or someone who was a victim, and you just can't see that. And I think that we felt that even 15 years later.

So, let me turn this over to Don, who will give us one more clip from the Rwandan experience.

Don:

I must say to you that in all of the years that I spent - and, John I know, who feels the same way - this particular experience, and you've gotten a piece of it, is probably the most touching and has had the greatest length of time. Who was it... it was Dickens who started "The Tale of Two Cities" - it was the best of times, it was the worst of times.

I think we are able to accomplish a great deal. The first time ever in a tribunal or court of this type... it didn't happen in Nuremberg, didn't happen in the Yugoslav court, it didn't happen in any of the other... or the tribunal in South Africa.

We were able to get the stories on video tape. And stories, you know, of both the professional and personal feelings and experiences of people like Masuga, judges, prosecutors, interpreters, and so forth. And we have so much to learn from those.

And one of the things we know that can happen. It can be very practical. And we asked every one this question. 'If you had the opportunity in the future to design a tribunal for this kind of purpose - perhaps, Darfur will be the next one - how would you design it that would make it better, that would make it more effective, that would take the victims more into account, that would be relevant,' and so forth.

And as we organize that information and think it through, we know from their mouths that future tribunals will be better, will be more effective, and will serve the victims, perhaps, better than these. And those victims, I must say, are with us. This is one that really changed our lives.

Now, I took these photos in a church, in Rwanda. I could not stop looking at the Virgin Mary looking down at the clothes of the people who had been killed in this church and in the area around the church. The juxtaposition was just too much. And I think it speaks, you know, *res ipsa loquitur* - it speaks for itself.

Again, it's a limited time. I wish we had a day. We could talk to you about these things, some of our other experiences - but this one. And by the way, I am going to do it by an invitation. If you

have the time... tomorrow, between four and six at Seattle University Law School, we are going to put on a presentation for two hours. John, Professor Slye, myself and the Chief Law Librarian for the tribunal, who happens to be in Seattle now, she's here from Arusha. And come if you can. Come for part of it if you can.

As you know we gave a presentation here at the university back in January 27, and there will be more presentations.

So, let's talk a bit about some of the... here's another video tape. And this is of... Is this the one? This is Adama Dieng. Now, Adama, by the way in Hebrew means earth. And he likes that... It was Adam, the first name. Adama Dieng is the registrar or the highest administrative official of the court. And, he is, technically, an assistant UN secretary General. And a man who personally described his passion for justice as arising from that of his father who was essentially a longshoreman who looked out for other people. He's from West Africa.

[video clip starts]

Adama Dieng:

And that is why when we talk about justice we should always also bear in mind the two dimensions, the retributive justice and the restorative justice. The retributive justice is the one which, for instance, we have applied here in the International Tribunal for Rwanda and which we are searching for the truth and which corresponds definitely to the modern way of delivering justice, focusing on the criminal offender because here, unfortunately - and I said unfortunately because that has been my position - we have not been able to focus on the victims; we only focus on the criminal offender.

It would have been fair to also pay attention to the victims. And I would say thanks to the prayer made by this tribunal during the time of the drafting of the Rome Treaty, establishing the International Criminal Court, a provision was adopted, offering a role and a place to the victims of these types of crime, genocide, or the crimes against humanity, torture, et cetera.

Why the restorative justice is the one which is rarely aimed like in the traditional way of delivering justice, to focus on the victim, focus on the victims and think of healing and rehabilitation.

[video clip ends]

Don:

I'm going to tell you that this takes me back and I want to remind you of this. We develop our skills.

When I was assistant attorney general for the Department of Social and Health Services, I was asked to, and became, and drafted this state's Crime Victim Compensation Act. One of the proudest things I've done. It's still essentially in the same form when we wrote it 1971. We can talk about why it's a good act; it's different from most others. It provides medical care, vocational rehabilitation, et cetera, not just money.

And when he was talking about that and when we were looking at the issue of victims and I've looked at the international court provisions that he talked about and I know that we can help them improve even what they've improved because of what we've done here in the State of Washington. I know that.

Victims can be dealt with in a justice setting and we need both; we need to provide justice to the criminal and to the society and we need to provide restorative justice. And this provides opportunities, you know, international criminal justice is not even in its adolescence. You have the opportunity. You have the opportunity to really make this work. And some of the work we've done, I hope, will provide a basis upon which you can build.

So, that was Adama Dieng, who will probably be here in this state sometime in the next year and we'll have a big-time meeting and we'll talk some more with some of the other people from the tribunal. One of the great things was the relationships we built. So many of these people after they were - after the interviews, you just wanted to go and hug them because they were trying so hard.

And this tribunal was set up so quickly because the U.N. felt guilty about not having prevented the genocide, which they could have done, that they didn't think through the tribunal and the people there were working in terrible circumstances in terms of really trying to get things done well and efficiently and so forth and so on and working their tails off, the judges, everybody, the interpreters, everybody.

So, let me give you one more very short and I'm going - this judge, Erik Mose, is Norwegian. He was for two terms, four years, the president judge, not the chief, they don't call them chief judge, the president judge of this tribunal. And he did a great deal for streamlining some of the things, correcting some of things that the U.N. did poorly in developing this.

And Erik Mose sat in the major case, which was one of the three judges who sat in the major case, which, for the first time ever, declared rape under certain circumstances, a crime against humanity. And he sat in many other very important cases. A kind, gentle man who has had an enormous impact and when he returns to Norway, will probably be their chief justice. That's Erik Mose.

And I asked him, you'll hear my voice a little bit, I asked him what his - what if, any way, has his experience here changed him.

[video clip starts]

Robert Utter:

How has this, if it has, how has this changed you as a person?

Erik Mose:

No one can be unaffected by the ten years in Arusha.

[video clip ends]

Don:

And, afterward, the tears came down his cheeks and he apologized for crying, for which no apology, of course, was necessary. And all I really wanted to do was hug that wonderful man.

And so, another opportunity that you try to help others and it comes back in so many ways. And I shared it with my cousin, McKay, here, which was wonderful, and we were able to get retired Chief Justice Robert Utter, to join us. Bob Utter has been an icon of equal justice in this state for many years. He's a friend of mine for 40 and he came to Arusha and he's almost 80 years old, and helped. He was the other interviewer in that with Judge Mose, and he's still giving, doesn't have to stop, ever. So...

John:

We've got, Don - we've got a few minutes to talk about Caltan.

Don:

Oh, OK. My friend, John, is also a great photographer. It's probably the best picture ever taken of me and we were on a picnic and these young, wonderful young people in Tanzania had never had their picture taken and I took their picture and was showing them photos of them. And we just enjoyed a lot of joy together.

All right, I'm going to come back to, remember I told you about an extradition case? When I was still practicing in Olympia, I was 26 or 27 years old, I was out of law school about three or four years. Because of what I did with the mushroom workers, I got called by the ACLU. And it was about a man, a black man, who had been convicted of murder in Georgia and sentenced to death in 1959 and who had escaped.

And he had come to the State of Washington to, strangely enough, to a town named Warden, Washington, in Central Washington. And there he had lived as a farm worker and very much impressed the farmers and people in that small town, many of whom were Mormons. And somehow or other, he was found out by the State of Georgia and he was arrested and Georgia petitioned to extradite him.

And the local farmers were so taken with this man that they hired a lawyer for him; they hired a lawyer for him and that was Carl Maxey, who you saw before. And, the ACLU called me and asked me if I would represent the due process interests and so forth. And so, that's how Carl and I met and we worked together.

Now, one of the first things I received was the transcript of the entire first-degree murder trial in Georgia. This is the entire transcript of the entire first-degree murder trial in the State of Georgia. It is 54 pages long, double spaced. It took less than an hour from beginning to end. The defense counsel said far less than we've already said here today during that entire trial, as you might well expect, said very little. They wanted somebody to convict and they found this young man in the general vicinity of the - where the crime, it was a white businessman; motive was never established, very little.

Anyway, there was no due process and so we worked at it, Carl and I, and we had very little hope because it was a conviction on its face, valid on its face, it had never been appealed and you just never hear of an extradition being turned down that way but we were going to try.

And so, Carl - we played good cop, bad cop and Carl played the good cop and he examined the farmers who came to testify at the extradition hearing. And the reason he did that was he was giving the governor a reason to want to find something in the - to want to deny the extradition. He was giving the governor - he was going at the governor's heart. And these witnesses, and Carl did a fantastic job. And then, my job was to point out not only the lack of due process but the likely lack of any possibility, at that time, of getting due process.

And, after a lot of going on, the governor, Governor Al Rossellini, for the only time in his career as governor, two terms, turned down the extradition and this man was set free. And I told him, the last thing I said to him, was don't ever leave this state, there is no double jeopardy issue in extradition and, if you leave the state, they can go to Idaho or wherever you go to and try it again. So, that was that.

And, when John and I were doing our seminars last year, four seminars that encompass what we're trying to do here today, the last one we decided to - I called Charles Will Cauthen, he has a different name now, and asked him if he would come and he lived a peaceful life, it had been 40 some odd years in this state, and he said, "I really," you know, he's a quiet man, "I owe it to people. OK, I'll come." He came and - lovely, lovely man, who had had a speeding ticket in the interim 40 years and had kids and grandkids and great grand kids, and he came with his wife and the day he came, I had lunch with him and he said, "You know, I never had the opportunity to thank the governor. I really wish I could have done that."

But what he didn't know was that Governor Rossellini was then 98 years old, still good and he actually lives on the street I live on. And, I asked my friend, John, "Do you think it would make sense to get Rossellini there?" He said, "Great idea." I said, "Are you sure it's not too theatrical?" He said, "No, no, no, do it, do it." So, OK, I went and I got - I went to Rossellini and I asked him and the first question he asked me was, "Tell me what happened since." He said, "Did he stay out of trouble?" And I said, "A speeding ticket in 40 years." I said, "Kids and the whole business." He said, "OK, OK, I'll come. I'll come."

So, I had Mr. Cauthen, we were doing sort of our Johnny Carson thing, I was interviewing Mr. Cauthen about what had happened and, at a particular moment, my friend and Ada Senjaffe (?), brought in Governor Rossellini and Cauthen jumped off the stage and ran over and you are catching the moment when he was able to say thank you to the governor and there wasn't a dry eye in the house, I have to tell you.

And when he went and sat back up he never stopped touching the governor's hand while he was sitting there next to him. And we were asking questions of the governor and what he went through and so forth and so on. And, you can see it. And this is one of those wonderful moments that happen.

And, I must tell you, I was 27 years old when I got this particular task and I said to myself, "My goodness, I've read all these books about the Scottsboro Boys and about Clarence Darrow and all of this stuff and all of that, and this sense of injustice and I know what's right and all of that stuff. But, my God, this is real. This is a man's life in my hands and the hands of Carl Maxey. Am I skillful enough? Can I do this?" You know, I didn't get born a judge. He didn't get born a U.S. attorney or the head of legal services. Well, I said, I know one thing, I'm going to try like hell to do the best possible job I can. And thank God, Carl Maxey was there and we were able to do it together.

And the interesting thing is, whenever anybody who knew both of us said who would be the good cop, who would be the bad cop, they always said Maxey would be the bad cop and Horowitz would be the good cop. We turned that around in that case, which we would have - happened 99% the other way because we were thinking strategically about this case, these people, that period of time, etcetera, and it worked. And it worked in amazing circumstances.

So, it's always not about you so much, it's about applying your skill, not your ego of what would be best to serve your client and do a job. And, that mushroom case lead to this, to Couter's case, etcetera, etcetera, etcetera.

How Charles, well, his trial lasted last than an hour and there you go. So, this is very dramatic. And earlier, I'm going - I don't know there's anything that can beat this, but I'm going to ask you to go back to that Johnny Cash thing, if you don't mind, just for one minute.

When I was with the attorney general's office, I was - DSHS had the prisons and I was attorney for the prison system. So, I found out that Johnny Cash was going to be in town and I just called him up and said, "How would you like to go to one of our prisons?" And, there you go, the fellow with the funny sideburns is me, a lot of years ago, and a bunch of the prisoners. And the interesting thing is the warden said that his visit there helped a lot in terms of the morale there and people sort of thinking about what they were going to do next because they thought people were thinking about them. Me, I had a great time, I got to spend a whole day with Johnny Cash. And, at the end of the day, he decided to send a sound system to the Monroe Prison, which came to my office two months later because they didn't have a good sound system there. So, there's a lot of things you can do in a lot of contexts and that's really OK.

Now, my friend, Mr. McKay, and Miss Terra...

McKay:

Now you all know why this - I tell people this is - when I grow up I want to be Don Horowitz because of what he's accomplished and he still says yes today. It's what he's doing standing here today and in all the projects, Rwanda and others, that he's involved in and I'm fortunate to be associated with him.

In my law school classes, I end every class with what I call the "moquita moment." And "moquita" is a word from Papua, New Guinea, which means that thing of which we all know to be true, but of which no one will speak. So the thing that we know to be true, but of which people will not speak is debt. And law school debt and college debt combined for people in this

room and others, you know, we can talk about public service, we can talk about doing the right thing, we can talk about saying, yes, but that's a moquito, that's the real thing.

I want to just invite Tara Evans and in trial practice, we'd say, I now introduce exhibit number one [laughs]. I'm not going to ask her to share with you her exact debt, but let's just put it this way, she knows of what she speaks. Miss Evans.

Tara, take the mic.

Tara Evans:

I'm sorry.

Don:

Thank you.

Tara:

I came into law school with absolutely no undergraduate debt. I was very lucky. I went to Evergreen University. And then I got to Seattle University, which is a private school, but I'll be coming out with about \$157,000 in debt, purely from law school.

And, I know you've all probably heard the Equal Justice Works presentations from Heather Jarvis and others, but it does make it hard to do all of these things that, Professor McKay and Don Horowitz have been talking about. It makes it hard to choose public service, because choosing public service means, you can't buy a house or you may not be able to afford to have kids or take a vacation for the next ten years. And so, making that choice becomes a really hard thing.

And so, I just want to point out, again, when you're freed to the Equal Justice Works' website College Cost Reduction Act, and mention that - as they've been talking about, there are a lot of different ways to get involved, even if you can't make it your entire career, you can afford to make it your Monday night or Saturday morning or something like that.

John:

Well, and I just want to congratulate Tara for all she's doing as a law student being involved in so many social justice issues. And I know that I'm preaching to the choir sort of here because we have the Gates Scholars, we have so many people here at the University of Washington who are believers in exactly the same thing and accomplished lawyers and law professors who are here doing this.

We want to involve you now. We've just got a few minutes before we have a reception and reception some place. Where?

Michele:

Room 115.

John:

In Room 115, a reception. But, we're hoping that we'd either have something in the way of testimonials or questions for Don or myself, anything that's on your minds, questions, issues about anything that you've heard here tonight, including the moquito, including the obstacles, because I think it's important to get those out and get them talked about.

And, you know, the issues facing Tara are not the same issues that faced Don and myself when we got out at different times in law school. Don, would you agree with that?

Don: Absolutely, yeah.

John:

Very different, very different issues in terms of student debt and the ability to say, yes, when we need to.

Don:

Tuition, when I went to law school, I was at Yale law school, which was pretty expensive place, and I had a scholarship, but it was \$1200 a semester. And, obviously, that was a lot of money then, relatively speaking, but I got out of law school with \$500 in debt. So, it's a very different kind of thing. It's amazing now. In a way, you've mortgaged your life, but you can't, you can't allow that to be the case.

Yes?

Kate Corcoran:

Hi, my name is Miss Kate Corcoran and I work in the Career Center and I'm head of Public Service and I work closely with Michele and there are a lot of people here, a lot of students and we're all interested in public service. But, I'd like to know what you did while you were in school between your first year and second year and in between your second year and your third year.

John:

Well, I'll start. I was in the City Attorney's Office in Seattle, mainly because it was somebody who would give me a job and I needed to earn money between my first and second year and I was fortunate, I thought, to have a law job.

And then between my second and third year, I was a Rule nine prosecutor in King County. And so, I started as a prosecutor and really I was trying to make sure I had some money in my pocket and maybe learn some skills. And so, I feel very fortunate, as I said, when I went to Lane Powell where they really, from Day 1, taught you that doing pro bono was incredibly important, I was around people who did that.

Don?

Don:

Yeah. What year did you graduate, John?

John:

I graduated from law school in 1982.

Don:

I graduated in 1959. First of all, there were no clinical programs, even at Yale. So, my first year, not to forget the summer, what I did is I went to this New Haven County public defenders office and got a job as an investigator. I made my own clinical program in a way.

But, my first year in law school, I worked as a laborer at an oil refinery and it was the best money I could get. And between the second and third year, I combined two things. I was able to get a job at Yale, where the law school and one of the other schools were developing a course on addiction and I did research for the bibliography for the course and, at that time, it was on drug addiction, alcohol addiction and gambling addiction, those were the three that they were focused on.

And I did that and I also had a job as an interviewer at an employment agency in New York, but there were no - they weren't taking summer interns and things like that.

Yes?

Woman:

[off-mic question]

Don:

Yes, I was paid.

Woman:

[off-mic question]

John:

Yeah, that's a great point. You know, one of the things Don and I talked about and when we do this in a sort of a longer session, we bring speakers in who, for example, fight the enormous obstacles in government practice, for example, because there are huge obstacles to doing social justice and public interest work.

We talk about and then give examples of people who've gone into law firms, white males, who have had to stand up and say, we're not going to work in a law firm that has no commitment to diversity because that was their value and, I think, a great value to advance, to their own detriment really, at least initially as they stood up and did that, some people thinking they were making a scene over something that wasn't necessary.

So, I think it's really important that, regardless of where you are and what you're doing, that you challenge yourself to say, am I just going down a path of convenience? Am I looking for the next thing that's coming into my inbox or am I trying to find the things that are asking me to say yes, to get involved in and something that will make other people's lives better? It's hard. And I think

the hardest - the reason it's so hard for most people coming out of law school now, is the crushing weight of student loan debt. It's a huge problem.

Could we get to the question up here? Yes? We'll get to you, we're going to get the microphone. OK. Thank you, Michele. Thanks.

We're being recorded so we need the microphone. Thank you.

Woman:

I was just going to ask Don whether you - whether the research that you did in your job at Yale on addiction, et cetera, ever proved to be relevant in what you did in life?

Don:

Absolutely. Absolutely, no question about it. Obviously, as you heard earlier, I was on a governor's task force on drug abuse prevention. I'd read a lot of the literature and had developed an interest because I lived in a neighborhood in Brooklyn, where it wasn't too hard to get - to learn a little bit more about it. [laughs]

But, the interesting thing is the gambling addiction became very relevant too, because I represented a bank robber one time who had got himself into - he was actually trying to get caught because the gambling addiction had brought him so low, that there was - he just needed to stop and the only way he could stop was to be in prison. And it was understandable, given the nature of the research I had done. So, clearly that was, yeah. And, in fact, let me add one other thing.

Yale, at that time, was the first program in behavioral sciences in the law, the law school. We had a philosopher and a psychologist and psychiatrist on the faculty. People were saying don't take that, take another course in corporations or something. And I took that course and it's been the most relevant course because we deal with people in stress all the time. That's what lawyers do, even if it's good stress, it's stress. And you have to deal with people in stress and how they react. So, I commend to you the behavioral sciences and things which bring those disciplines together.

Woman:

I asked the question because I always say, "One of the wonderful things about law is that law is about life." It touches everything. And I think it's worth reminding the students that as long as you do something where you're learning about life, your experience will probably be useful to you as a lawyer.

Don:

And also you have to want to be a learner because every case may have a different thing. And the great thing about being a judge by the way, is that everyday you're learning about something new. Judges don't really know everything. You need to remember that. OK, question?

Woman:

Speaking again to the challenges facing people who want to go into public interest law. I'm

finding, personally, that one of the biggest challenges is the absence of jobs in public service right now; public defenders, civil legal aid. Those programs, because of the current economic crisis, are having to downsize.

So, while those of us who are committed to doing that sort of work are biding our time waiting for the economy to recover and for those jobs to come back to existence, what would you say are the top three skills that we should be looking for in alternative positions?

John:

Well I wouldn't talk first about skills. I agree completely with Don in the "My Cousin Vinny" approach to public interest law, which is learning how to be a good lawyer first, which is so important here. And so anything you're doing that would actually put you in the game, whether as for example, a public defender...

I do think that, by the way, the dollars will flow to jobs first in the public sector; in government jobs, prosecutors, defense lawyers. Let's keep our fingers crossed that we will start to adequately fund public defense.

But, I think we'll see the dollars there first. I also know that in prosecutors offices locally for example, the hiring freezes, I think they'll end there first. And so there will be some skills availability.

The problem, if you really want to do public interest law, is that you've got to find some way to contribute without waiting. There's so many lawyer's I've talked to who've said, "I'm going to really do the kind of law practice I care about as soon as I make partner." Or, "As soon as I get my student loan debt paid." Or, "As soon as I put my kids through college." Or, "As soon as I take care..." And you see what happens.

We keep finding lawyers coming to us in their 60s and maybe even pushing 70 saying, "Put me to work on the phone lines. I want to help poor people." And it's kind of hard then to develop the skills that you need to be successful as a poverty lawyer, if that was the area you were getting into.

Now, we do think there are a number of places that you can do some good, great work in fact, in the public interest that doesn't have to be a full time job. And so you don't have to be a public interest lawyer to do public interest work.

And you can't always perfectly size it up. I'm sure Don would tell you when he took the mushroom case that he didn't expect all the work that he had. Or that when he answered the phone from the ACLU on the Caltan case that that was going to be acceptable.

Can I borrow the microphone? Somebody's got it. Would you take it to that man right there in the white shirt?

Because it amazes me what people can do. And my friend Joe Brotherton, who I didn't know was going to be here tonight, has done so much in the public interest. He's been a professor, he's a

lawyer, and he's a CPA. But, Joe, just tell them a little bit about your work in the prisons, because I think this is an incredible accomplishment and story.

Joe Brotherton:

Well, first it's kind of a compliment to you John because tonight is my night with the prisoners. Monday night I spent up at Monroe, and as close as I got was the picture of seeing Don Horowitz with the guys at Monroe.

I think, I'd put it in a little bit different context that might be interesting to you. I was trying to think of - if I were sitting in this audience as a young person rather than an old person, what would I get that's practical about it in terms of how I can do good work in my life?

And the neat thing about being a lawyer - There's a theme that resonated today which has to do with power. And if you heard when John used it earlier, and Judge Horowitz also used the comment. If you look at the different things they talked about, in each case we were seeing people who didn't have the power.

And we, when you hold the license, you get the ability to shift power. And I can't tell you how powerful and how fulfilling that can be. And now all you have to do is direct it in a positive way.

Early in my career as a contract lawyer I would always say to my clients, "I'm good. I'm really good at writing contracts. I'm going to put you in the most powerful position because I'm probably better than the person on the other side of the table." Well, that's not to compelling really, is it?

But, the good news about it is that I made a tremendous amount of money, an embarrassing amount of money as a business person. Now, as I am in my 50s I can give a little bit back in terms of some money and have time to serve some things.

But, I've also found that the more important part is really looking for - whenever you see somebody that doesn't hold the power, can you help society deal fairly with them? Somebody said to me, that got me inspired about five or seven years ago and got me into the prison work, "We judge a person and we judge a society by how they deal with the least powerful."

One of the comments that, again, resonated was by Dan Satterberg. The other day I was at a hearing for Steve Dozier, a three striker. And if you don't know much about three strikes law, it's a rather unjust law here in the state of Washington. And Dan Satterberg, a Republican like John was and like I still maybe kind of am. I'm not sure on any given day. [laughs]

John:

Sorry, it's OK. And Dan, remember, is the King County Prosecutor. I'm a fiscal conservative. [laughs]

Joe:

At this hearing, Dan Satterberg turned to me and we were trying to get the governor to grant a

clemency petition. And Dan said to me just before the hearing, "What good is all that power if she won't use it?"

And again, I think throughout your career and throughout your law school experience, watch who uses the power. Look at everything in terms of where power is...[cuts out]

John:

You just shut that off by accident. There you go. You know, I'd like to emphasize something about that because my wife is a psychiatric social worker and she's a service giver. We've been married a long time.

And from the experience we had in Rwanda - she was with us - she said to me, "I finally understand why being a lawyer is really important. Because it's very important what I do. You know, one on one or with groups. But, a lawyer, you... People like you, not just me but people in your profession know how to do it on a power level that we, as individual social workers, do not have. And you know how to move things along in a larger context. And that's a wonderful thing," she said. "If I were back 30 years ago, maybe I'd think about law school and social work, and that kind of thing."

So, I couldn't agree with you more. All I want to do, just finally is, find places where you can do a job. If it's part time, if it's a volunteer on a committee, if it's whatever it is, do a good job. You'll be noticed. If you do a good job you'll be noticed. Other opportunities will come. I cannot emphasize that enough.

There are a lot of young people who have been working on committees that I've chaired or have been part of, that have gotten opportunities because they'd done a really good job. So, it's the best I can tell you right now. It's a very difficult time.

We've gotten, apparently, a wonderful reception. And Don and I will be glad to stick around and answer other questions. And I just have to say, we really are aware of the fact that sitting here, people like Joe and other's I've mentioned, and faculty members who have all done this same thing.

And you know part of this I think, as a younger lawyer and as a law student, is to draw stories out of people who you may think you know. And you don't know some of the great works that they've done. So, make them brag a little bit, not about them but about the issue that Joe Brotherton was just talking about. And that is how leveraging and amazing it can be to use the power of a lawyer to do the right thing.

Don:

The epitaph.

John:

Don, I'll let you introduce that. We want you to think about this.

Don:

What will we say about you when your legal career is in bloom or over? What will you say about you and what will your story be? Because every one of us is a story, that's what we are. What will your story be? Will it be interesting? Will it be one you're proud of for yourself? We ask that of ourselves everyday.

John:

Thank you very much for having us here today and we'd love to see you tonight. Thank you.[applause]