

LETTER TO A YOUNG PUBLIC INTEREST ATTORNEY

*Michael Bodaken**

I am what one might call a “Recovering Public Interest Lawyer.” I’m recovering in the sense that I no longer practice public interest law. It took working alongside some fabulous public interest lawyers early in my career to realize that while I wanted to be committed to public interest pursuits throughout my career, my best arguments would not be made in the courtroom but in the offices of legislators to change public policy. I graduated three decades ago and practiced just over 10 years at San Fernando Valley Neighborhood Legal Services and Legal Aid Foundation of Los Angeles. Since that time, I served with Mayor Tom Bradley, former

* President of the National Housing Trust and of the National Housing Trust/Enterprise Preservation Corporation.** Mr. Bodaken has been largely responsible for growing the organization in becoming a nationwide leader in the field of affordable housing preservation. The Trust urges state and federal governments to devote sufficient resources to save existing housing, with a particular emphasis on preserving housing in communities of opportunity.

Mr. Bodaken also serves as President of NHT/Enterprise, an organization founded by the Trust which owns and operates 5,000 affordable apartments in eight states and the District of Columbia. The Trust’s CDFI, NHT Community Development Fund, provides low interest loans to preservation developers across the U.S. During his tenure, the Trust has financed and preserved over 20,000 apartments throughout the nation, involving over \$1 billion in financing.

Prior to joining the Trust, Mr. Bodaken practiced public interest law for over a decade, specializing in class action homeless litigation, tenants’ rights and affordable housing advocacy before local and state government bodies. He practiced at the Legal Aid Foundation of Los Angeles and San Fernando Valley Neighborhood Legal Services. Mr. Bodaken also worked for Mayor Tom Bradley as Deputy Mayor for Housing for the City of Los Angeles. (**For identification purposes only.)

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Mayor of the City of Los Angeles, and I now head up the National Housing Trust based in Washington D.C., a national nonprofit dedicated to saving and improving existing affordable housing for poor families and the elderly. Everything I did in that first decade of lawyering prepared me for the next two decades—and my current engagement in public interest policy and advocacy. During those initial ten years I received some of the best mentoring one could possibly have. I've tried to condense that mentoring in this letter.

GO GET MENTORED!

We learn from everything we do and everything we do becomes part of who we are. Take advantage: seek mentorship from lawyers whose interests are closely matched with yours. I was fortunate enough to fall in with some terrific teachers and role models. It was somewhat happenstance. I urge you to be more intentional than I in seeking out excellent, caring, thoughtful, experienced mentors. The public interest legal field is full of lawyers who love to teach. Many of them no doubt considered being teachers at one time or another. Don't be shy. Believe me, experienced public interest lawyers love to share their knowledge and experience.

THERE IS NO GREATER FEELING THAN WINNING— OR LOSING—WITH A *TEAM* OF SIMILARLY DEDICATED PUBLIC INTEREST LAWYERS

I am quite sure that there are many practicing, happy, solo public interest lawyers, I just don't happen to know any. I do know that working with a public interest legal team is an experience not to be missed.

I learned the lesson of teamwork on the job. Two lawyers, Mark Rosenbaum and Gary Blasi, taught me how to become an integral part of a larger legal team. Despite what they might tell you, I can personally attest that neither Mark nor Gary is a great athlete. But they were, and are, great coaches. I was built to be competitive; but I had no idea how energizing it would be to be part of a larger whole of committed public interest attorneys who cared about affordable housing or civil rights issues. We worked tirelessly as part of the ACLU Crawford case and the Homeless Litigation Team in the 1980s. We won, we lost. But I actually couldn't tell you what specific cases we won or lost. What I do recall was working with

wonderful, intelligent, creative, funny lawyers and paralegals on class actions or injunctions. It seemed like we always had a deadline the next day. But we could care less, in no small part because we felt intellectually attached to our cause and emotionally attached to each other. It was a ball.

YOU DON'T HAVE TO BE AS GOOD AS YOUR
COUNTERPARTS IN THE PRIVATE SECTOR:
YOU NEED TO BE BETTER.

A brilliant trial lawyer, Hank DiSuvero, taught me this lesson. Henry is still practicing—in Australia. One Sunday, Henry spoke to a group of us and made it clear that in his experience, judges tended to side with those with power. Since our clients had no power, it was his view that our jobs were much more difficult than those representing large corporate or private interests. While I can't say that I actually experienced much bias on the bench, I never forgot Hank's words. At first, I was intimidated by his suggestion. What? It wasn't good enough to be better than average? Over time, I managed to change Hank's words into something that goes like this: "Do Your Best. But Make Sure It's Your Best." Sounds trite, but somehow that worked for me.

RESPECT THE LEGAL PROCESS

In my early years, I had trouble respecting the legal system at times. This is definitely not an aspiration for a young public interest lawyer. Two lawyers, Jim Rutkowski at San Fernando Valley Legal Services and Chuck Elsesser at Legal Aid Foundation of Los Angeles helped me realize the error in my ways.

On one case, I was convinced that a particular judge needed to be scolded for an obviously incorrect ruling. I decided to include a footnote in my brief making it clear that I believed his ruling was particularly ill informed. Chuck, who currently practices public interest law in Florida, said, and I quote: "Mike, I urge you in the strongest possible terms to reconsider that footnote." I asked Jim what he thought. He said, "How does that help?" What Chuck and Jim realized, and I came to understand, was that footnote was about me and my feelings; it had nothing to do with the representation of my client. To represent my client appropriately, I had to respect the

profession, my colleagues, my opponents, and the ultimate decision makers, judges.

PUBLIC INTEREST LAWYERS TREAD MANY PATHS,
INCLUDING LIVES AFTER LAWYERING

I'm a recovering public interest housing lawyer. But I couldn't do what I do now without having had public interest training and without my experiences as a public interest lawyer.

Over my decade of practice, my best work was not in the courtroom, but as a policy advocate before the L.A. City Council, the California legislature, Congress, etc. That in turn led to my stint with Mayor Bradley as his Housing Deputy and ultimately to my current position, where I head a team of public interest policy colleagues at the National Housing Trust in the field of affordable housing preservation.

Indeed, I wouldn't be where I am today had I not been given the opportunity to work as a Legal Aid public policy advocate urging Mayor Bradley and the L.A. City Council to provide more resources for affordable housing. I made the switch to Mayor Bradley's office because I was intrigued to learn what it would be like to work inside government and to ensure that the allocation of resources accounted for the plight of poor renters in Los Angeles. While there, and now at the National Housing Trust, I use the skills I honed as a lawyer to provide what I hope are compelling cases for policy change to save affordable housing for poor people. Like good lawyers, we constantly refine how to make our case to elected officials who, like judges, vary greatly in their interest and understanding of this issue. As in court, it's our job to make them understand how this affects them and their constituents. And my skills at crafting settlements now help me craft compromise legislative language that provides the basis for actual change. Every day, I respect the system. And every day, our team has fun.

I like to think that my current engagement in changing federal laws to reduce barriers or to provide a level playing field for poor renters contributes to a larger legal/policy movement, one that respects the idea that poor families who rent should have a decent, affordable place to call home. One that urges that U.S. domestic policy recognize and address the fact that millions of Americans live in substandard housing they can ill afford. For me that work

originated in the halls of Legal Aid offices in Los Angeles. I'm quite thankful and happy in my current profession.

But I know I speak for many of us in saying that I'm even happier that Mark, Gary, Chuck, Jim and Hank *didn't recover*. They, and many others like them, still represent the very best in public interest law; training and mentoring those, like you, who are dedicating themselves, their intellect, and their passion to public interest. Find your own Mark, Gary, Chuck, Jim or Hank. You'll be a better lawyer, you'll love what you do, and later on you can share your own experiences with the next generation of public interest attorneys.

Sincerely,

Michael Bodaken