

## Oral History of Dean Broderick Second Interview

This interview is being conducted on behalf of the Oral History Project of The Historical Society of the District of Columbia Circuit. The interviewer is Robert Gross, and the interviewee is Dean Katherine Shelton (“Shelley”) Broderick. The interview took place at Dean Broderick’s home in the District of Columbia on Wednesday, September 28, 2016. This is the second interview.

Mr. Gross: Shelley, when we last spoke, we were talking about your experience running the clinic as the Director of the Criminal Defense Clinic, so I think that we should start by hearing little bit more. You mentioned, briefly, I think, that you had defended Mitch Snyder, so let’s just start there. What’s the story there?

Ms. Broderick: So, when I took over the Criminal Defense Clinic, I was a complete rookie, and I had a huge learning curve. I’m a hard worker, and I cared very deeply to get it right, so I worked like a dog. But the fact is, it takes a lot of practice to learn how to be a good lawyer.

Probably two years in to running the Clinic, I was asked to teach an evidence course. Every day as I was learning evidence at the level where I’d be able to teach it, I was realizing my failures to really know evidence in court. So, I learned a much deeper understanding of when you would object on relevance, and all the possible hearsay opportunities for objections and that kind of that, and it’s humbling. It is humbling as you learn, and you get better and better with practice. I had lots of opportunities and a steep learning curve all the way along.

So, one of the things that happened in the Clinic is that at some point, fairly early on, I was allowed to hire what I had started out as,

clinical instructors, to join me. And I hired clinical instructors who were far more seasoned than I was. So, I hired John Copacino. He currently runs the Criminal Defense Clinic at Georgetown Law School with one of my best friends, Abbe Smith. Johnny and I ran the Clinic together, and when Johnny came, he did a class on the Jencks Act. I didn't know the Jencks Act. I learned it right along with the students as Johnny was teaching the Jencks Act. And that is a mechanism by which when a police officer is talking to a prosecutor about the arrest he made, the defense counsel gets to ask did you take notes, were the notes taken contemporaneously, and if you can meet the threshold of the evidentiary requirements under the Jencks Act, you get disclosure of the police officer's written notes about the arrest, which often have much more detail than the officer has put in the police report. There are often many discrepancies with the defendant, and so it is a wonderful, wonderful tool for a defense attorney to have.

Imagine how humiliating it is, although we don't mention it, that I'm learning it along with the students and haven't been employing it in court. That happens to every defense lawyer. You're not born a good defense lawyer. It takes a lot of practice and experience. So, I benefitted tremendously from bringing in terrific people to work with me and learn from them. I like to think they learned some things from me, and the students had a fabulous experience. They really did. And they've represented a lot of huge numbers of people charged with drug offenses, a

wide array of drug offense. In D.C., there was crack and there was a PCP epidemic, all sorts of robbery and theft offenses associated with drug issues. A lot of hookers. A lot of people charged with soliciting for prostitution, and just a host of other kinds of crimes. The wonderful kinds of cases included the demonstration cases. So people who were charged with offenses related to the exercise of their First Amendment rights to demonstrate.

I had the honor and the privilege of representing Mitch Snyder and Carol Fennelly from time to time over the years. Mitch Snyder, a legendary character in the District of Columbia, in effect extorted \$5 million out of President Ronald Reagan when he went on a hunger strike, for I believe it was 56 days. Somehow there was a calculation that if he went on a hunger strike with food, with some sort of water and whatever, he would last 56 days. And he chose 56 days before the election to start this on the theory that he would die on Election Day if Reagan didn't cough up the money to support a homeless shelter in the District of Columbia. Reagan, in fact, caved, and coughed up that money. It was announced on *60 Minutes* the Sunday before the election, and Mitch was literally at death's door and started eating. But during the course of that, and his other demonstrations around changing the world for people who were homeless and living on the street, people who'd been let out of mental hospitals and left without any social services or care, Mitch had a number of demonstrations, and one of them was something he called the

Harvest of Shame. And for five weeks, he and his merry band demonstrated in different ways around different issues, and I agreed to take all the cases of those arrested in association, I think it was week two, and it was an anti-nuke demonstration. The way they decided to demonstrate was to have a whole group of people go on the White House tour, and while on the White House tour, they released thousands of cockroaches on the theory that the only thing that will survive a nuclear holocaust is a cockroach. They thought that would draw attention, and it certainly did.

So I've represented a lot of people charged with, I forget what it was called, I'm blanking on what the crime was but disrupting things at the White House. Disorderly conduct, maybe it was, I can't remember exactly. In any case, these were federal offenses. James Watt, when he came in as Interior Secretary under Ronald Reagan, passed a whole bunch of anti-demonstration statutes. So, if you demonstrated in front of the White House, and the sidewalk has blocks, and the regulations were so refined that if you were in the wrong block, you could be arrested. So I defended a lot of people for being in the wrong block demonstrating on the sidewalk in front of the White House. Even though we are constitutionally afforded the opportunity to seek the redress of our grievances in this way, the sign had to be a certain size and shape. If it was a little bit too big or a little bit too wide or whatever, you could be arrested. So I represented dozens of people charged with these petty

violations and got to go to Federal District Court because the government made a federal case of it.

So here are all these earnest supporters of Mitch Snyder. I remember my favorite client was a woman who was a potter. She made pots. She was a housewife living in Rockville that had come in to help Mitch Snyder demonstrate against nuclear proliferation at the White House. And so, there was a whole group of eight or ten demonstrators arrested that day, and I remember meeting with them in the lock-up and talking to them. Very early on, she sort of patted my hand and said, "Oh by the way, Ms. Broderick, I just want to let you know that when the judge enters the courtroom, we won't be willing to stand because that would show respect for a system for which we do not have respect." I was a young kid and I blanched and said, "Well, you know these judges, they take the job so that people will have to stand when they walk in the room. You know, that's the highlight. You put the dress on, you walk in, they all have to stand. They love that, and failure to stand actually is characterized as contempt of court and carries a bounty of up to six months in jail. And, you know, you hit the wrong judge on the wrong day, and you know, and I'd like to..." And she said, "Well, I'm sorry, Ms. Broderick, it's a system that we just can't recognize." In any event, I actually worked out a scheme. I negotiated with the U.S. Marshal to bring these demonstrator/defendants into the courtroom after the judge had taken the bench, so everyone would already be standing when they walked in, and

then they would be in a position to take their seats with the other people in the courtroom, thus, averting the opportunity for a judge to find them in contempt. Representing Mitch was a thrill because he was speaking truth to power before that was a thing. We honored him at graduation. And I remember we honored Jo Butler, who's a great woman activist, and part of the statehood movement, among other things, and we honored Mitch Snyder. Jo Butler reached out to me and asked me to write her speech. She was very insecure about giving the speech, and she was a fabulous, fiery advocate. I was in awe of her. It was the first political speech I ever wrote. I was beyond thrilled and also terrified.

Mr. Gross: When was this, roughly?

Ms. Broderick: It was maybe in the early or mid-1980s. I vividly remember Mitch Snyder's fiery speech when he said, "Remember, the founding fathers are the people who fled religious persecution, not those who stayed to fight. We have to be fighters." I carry these memories of great advocacy and people who really made social change. I got to know them. And the irony of me getting to be a young kid representing these legends, I didn't miss that irony. I loved it.

Mr. Gross: Were you defending them on First Amendment grounds?

Ms. Broderick: Yes. I remember Judge Oberdorfer, for example, sentenced one of my clients, the potter, to a large fine. Really, quite a big fine. Because it takes a lot of court time and therefore money to handle these cases. And, I wrote a motion to reconsider and said, "You know, really, what you're

doing is punishing her husband. She doesn't work, she doesn't earn anything. So, you're punishing another member of the family for her exercise of her First Amendment rights, and I don't think that's appropriate or fair to him." And the judge agreed. I believe he eliminated the fine. Her being locked up, it struck me, was punishment enough. And, in fact, I thought we should be carrying her and her colleagues on our shoulders for standing up and advocating for a better way to be as a country.

So I loved running the Criminal Defense Clinic. I loved represented folks who were stealing because they had drug issues and selling drugs because there weren't any other jobs. They'd had a horrible education and were let down by the District of Columbia and by the systems then in place. They did not get an education. Their special education needs were not addressed, and they were making a living the only way they could. There really weren't alternatives for folks like that, and I was very happy to try to keep them from being locked up, which is a stupid part of the system when, in fact, we should be offering job training and educational support and other opportunities for people that we just weren't offering.

Mr. Gross: Did you feel supported at the time by the District government and the Mayor's office, or were they not involved?

Ms. Broderick: They were really not involved. But, the court system, it was just business as usual. This was all part of the all day, every day slog through the court

system. I always felt that there were judges who loved to see my law students come in all fired up and really tearing it up doing a wonderful job and really putting the government to the test. There were judges, I have to single out particularly the former public defenders, who just loved to see the government put to the test. I have to say, I had countless interactions with prosecutors and members of what was then the Corporation Council, my students and I, where they were actually, truth be told, happy to see someone make a good case and make an argument, and often dismissed charges. Zealous folks, you know. The police come in and they've arrested a bunch of people the night before and there's case after case after case and they decide to bring charges and "paper the cases," as it's called.

Let me give you another example. I had a student, single dad, law student named Michael. I remember his last name but I won't tell you. He came in, he'd been arrested, and he was totally freaked out. Young African American, father of two kids. Now he's been locked up, he's been released on bail, he's got a pending case, he's a law student, his life is at stake. He'll never be able to practice, this huge financial and time and heart commitment is going to be all for naught because of this case. He was a good Samaritan. He had taken a friend to the impoundment lot to get his car because the friend had said "My car's been impounded, I've finally raised enough money to get the car out, but I know my car, and I know it's going to need a jump. Can you bring your car and jump my car?" And Michael said he'd be glad to do that, drove to the

impoundment lot, and what is known as a “rent-a-cop” dashed out and started screaming at him, “You’re not allowed to drive a car onto the lot!” And they got out and tried to explain to this guy who was clearly over the top, enraged for no reason and threatened to arrest and then, in fact, arrested Michael, trying to explain why he had driven his car. So, Michael is arrested for unlawful entry at the impoundment lot. It’s a pending case, and I went down and talked to the prosecutor. First I asked Michael, “Michael, I promise you, we will get rid of this case. You are not going to ultimately have any trouble about this case. I feel so strongly about that, why don’t we let a law student work on the case with us, one of your colleagues, and they’ll just do it through the Clinic. And Michael agreed. And so, we went in to court the first day, and one of the old-fashioned, hard-hitting judges who hated law students on the view that they were taking money out of the pockets of the practicing lawyers who could be paid for these cases, these law students were harming people trying to make a living, so he threatened me. What happened was the judge appoints lawyers every morning for people who can’t afford legal counsel, and he hadn’t appointed us and so he assumed we had somehow solicited this case, assumed without asking, I might add, and threatened me with contempt and said he wanted to see the supervisor of my program in his court by sundown Friday. And that’s how the case started. Michael wasn’t very happy with me. At the end of the day, I researched it and, of course, the judge doesn’t have to appoint. My name was on the case. It

was all good. At that time, the supervisor of the program was technically a lawyer. He was a member of the bar, and so forth, but in fact he was a Marxist who never practiced law a day in his life.

Mr. Gross: This is like the director of the clinical program?

Ms. Broderick: Yes. At that moment in time. He wasn't exactly a practicing lawyer. And so, I had this vision of taking this bearded Marxist down to the courthouse. I figured he'd be bringing a camera to take pictures because it was kind of like sightseeing for him. He'd never been in a courthouse in his life. And I just imagined how that was going to go, with this old Irish meanie judge. Anyway, we talked to the clerk about what the statute actually requires and, in fact, we were well within the bounds and suddenly we were told we didn't actually have to come by sundown Friday. We went to visit the prosecutor and explained to him what had happened and, in fact, it was clear what had happened because the cop had written it up as we described, and he dismissed the charges.

I had many, many cases where, upon reflection, the government wisely and appropriately agreed to dismiss charges. And, it was very empowering for law students to be able to advocate on behalf of someone and to see the government act reasonably and responsibly in turn. So, these are very important lessons. And we had many cases that we fought to the death in court, most of which, almost all of which, we won. We tore it up in the courthouse, and the students had a great experience, and our clients loved us and would bring us things to eat.

It was a crazy time in my life. I remember a client showing up to see me in my office and he was carrying a battery. A car battery. And I was thinking, 'Oh god, I hope that it isn't my car battery.' He appeared to have boosted a car battery on his way to visit his lawyer. Another set of clients I had – the Antioch law school is next door to the Howard dorm, and, the Howard dorm was populated by people who, by virtue of being Black, got stopped by the police every day for doing exactly what my classmates at American and at Georgetown Law School and at Antioch were doing, carrying pot and various other illegal substances for personal use. So I represented countless students at Howard who would come next door because we had a reputation for being able to help these guys with their cases.

Mr. Gross: Low-level drug offenses?

Ms. Broderick: Sure, sure. You know, pot possession, really. You're going to ruin a students' – and many enlightened prosecutors would drop those cases, and some would fight them to the death. It was always a crapshoot, but it was a great game to be in. And I don't mean to imply it's a game because it's serious as a heart attack for people facing those charges.

Mr. Gross: While we're on the subject, in 1986 I think you get involved with something called the Administration of Justice for Low Income People, testifying in front of Congress that kind of comes out of your experience running the Criminal Defense Clinic. I wonder if you can talk about that?

Ms. Broderick: I hadn't thought about this for many, many years. I cannot tell you how many times this experience has influenced my life ever after. One day I was sitting in arraignment court, that's where a defendant hears the charges read and the court sets status and jury trial dates and bond, and I was sitting in court, and I realized that they introduced someone named John King as a hearing commissioner. And next to this hearing commissioner, which was a whole new tier of judicial officer I'd never seen or heard of before, instead of having a judge, we had something called a hearing commissioner. But next to him at the bench was one of the crusty old judges who was known far and wide for locking everyone he possibly could up. You just didn't make bail. So you'd be locked up until your misdemeanor case came along, which would be weeks ahead. And so, you were given the opportunity to choose the judge if you weren't comfortable selecting the new hearing commissioner. Obviously, that was sort of a no-brainer. You chose whoever the new guy is. He can't be worse than Judge Scott. So, I wondered about that. Well, right about that time that these three hearing commissioners showed up on the scene in Superior Court, I had a requirement to publish or perish. You know, the idea was that we should be doing some scholarly writing, and I never wanted to do any scholarly writing that wasn't related to law reform and actually changing the system or having some effect on the lives of poor people. I looked at the statute, and it turned out that I became the world's leading expert on the statute, in fact. It turned out that the judges had been

requesting the addition of seven judges. They felt that the bench needed to be increased by seven judges if they were going to really meet the needs of the courthouse. And the Congress, which handles all matters related to the judiciary to this day, for the District of Columbia, compromised and gave them three hearing commissioners.

Mr. Gross: They did that to save money, presumably?

Ms. Broderick: In order to save money, yes. The hearing commissioners were appointed and removed by the chief judge. They were appointed for a one-year period. Obviously, who is going to accept this job for one year and leave a remunerative law practice? So it didn't auger well for getting solid, good people. And this, of course, as research does, led me to read about how our court system came into being anyway.

There was something called the Court Reorganization Act and it was passed in the 1970s. I'm going to say 1973, something like that. I read all 2,000 pages of statutory history about it, and it was absolutely fascinating. You, as an historian, would love this because they went to great pains to have a unified court so that all the judges would have to have a competency level that would allow them to hear civil cases, criminal cases, traffic, family, probate. It would be a unified court. All the judges would be competent. They agreed on fifteen-year tenure so that you could attract excellent people who would be willing to leave a law firm or other law practice. The tenure would be such that they would be able to have some confidence in their future. It established a Judicial

Nominations Committee that was a process to make sure that we didn't have nepotism at work, but there would be a panel of people to nominate and uphold process. They'd be appointed by the President of the United States. There was a judicial disabilities and tenure group that would, when there were complaints, deal with removal of judges. Again, by a process that it couldn't happen that if somebody didn't like you or you made an unpopular ruling, there would be a whole process rather and that could result in your removal, and so on.

This was an exhaustive statute with a huge amount of work going in to it to make sure that we got a great court system, and in fact D.C. did get a very, very good court system. My favorite piece of legislative history of all time comes from this Act, where they pegged the pay for Superior Court judges at 90% of whatever the Federal Court pay was. And they did that, in the words of one of the people testifying, to save the judges from the ignominious task of importuning in the halls of Congress for their just recompense. I mean, do you love that? I can't tell you the number of times I've cited that or quoted that language. But it makes sense, right? If you're down there begging for a raise all the time, it's ignominious. And so, here we willy-nilly in the dark of night decide okay, we did all that work, but we don't care. We're going to have this whole new tier of judicial officers just suddenly appear. And we know we didn't follow any of the things we learning in the Court Reorganization Act by

having a neutral and dispassionate group nominate and remove pay at a certain level, and on and on. So, I wrote about this.

Mr. Gross: Who appoints these?

Ms. Broderick: The chief judge. It's an opportunity to reward a friend. I'm not saying that ever happened.

Mr. Gross: They had protections against that in the Reorganization Act that seemed to not be applied in this particular case.

Ms. Broderick: We didn't learn from the massive amount of work we had done just a few years before. And, in fact, Charlie Horsky, a legendary lawyer in D.C., had done a whole study on how the Judicial Reorganization Act had worked. 1800 pages, with dozens of recommendations for further strengthening the court, none of which called for the establishment of a new tier of judicial officers. I also read the Horsky report, so I at one time knew a tremendous amount about the workings of the court system and how it had come into being. And so just to flash forward, I was asked to testify in Congress, Mack Matthias's committee, a senator from Maryland.

Mr. Gross: The Law Review article had already been published?

Ms. Broderick: In fact, I never finished it, but I did write 30 or 40 pages of it. I had done so much research. I had met Charlie Horsky, I had connected with the Counsel from Court Excellence, so I became known for someone who was very knowledgeable about this. I had connected with an old classmate of mine working in Congress, Eileen Maher, who had given me a lot of the materials. I had done all the research. And so, I was known to be very

knowledgeable about this. What happened was the law school blew up, and it looked like they were going to close the law school and I stopped writing the article and started working on the Save Antioch campaign.

Mr. Gross: We'll get to that.

Ms. Broderick: So, luckily, I never finished the article because we actually ended up with a law school.

Mr. Gross: If it was one or the other, you're glad it was the law school.

Ms. Broderick: It felt like it. You know, I was spending a million hours on this article. I was a rookie author and, of course, painstakingly studying everything there was, and probably going into far more detail than was needed. But just to flash forward, I'm on the Norton Commission, the Federal Law Enforcement Commission that Eleanor Holmes-Norton put in place when she was granted, first by Clinton and later by President Obama, the Senatorial privilege to be able to recommend to the President who should be appointed to the court. My knowledge of the workings of the court system has been very helpful on that commission. Another example, in the statehood, new constitution that we're working on, which we'll talk about later, I was able to inform the process on how we would think about the court system and why a long tenure is important, and how the thinking went in to be. We should absolutely continue the Disabilities and Tenure Commission and the Nomination Commission and so forth. So it's just followed me. It's just one of those things I learned so much. And, I also developed the relationships with the staffers in the Senate Appropriations

Subcommittee on the District of Columbia. So when we in fact established the statute creating the new law school and had to go before Congress to testify about it, for various reasons I'll get into, I had the relationships and that's why I was able to very, very helpful to the grownups at the law school when that happened.

Mr. Gross: What did Congress end up doing with these hearing commissioners?

Ms. Broderick: The statute was substantially revised to have much longer tenure and many other reforms to that statute came into being. So, when I went up to testify, my knees were knocking, and I wondered why do I put myself in these situations?

Mr. Gross: Was this your first time testifying?

Ms. Broderick: You think? Yes.

Mr. Gross: You would go on to do it many times.

Ms. Broderick: Right. But I was so terrified. All dressed up in a suit and went down to testify, and there I was. John Pickering came in with a woman named Gay Gellhorn. They were Wilmer, Cutler & Pickering, a legendary legal giant in the nation's capital. I didn't know enough to summarize my testimony. This was really pro forma. They had it in writing. This was just for show, in effect. It never occurred to me that my every word wasn't changing the course of the judicial system in the District of Columbia, and I read the entire fifteen pages or whatever it was. It went on and on. I was so thrilled and delighted. My boyfriend was there cheering me on in the audience. Of course, later, it's yet another tremendously long and ever-

growing list of embarrassing things I've done. I'm sure people were dying in that audience. Oh, God, this is never going to end. But, there I was.

Mr. Gross: Did they ask you questions?

Ms. Broderick: Yes. Not very many.

Mr. Gross: They were ready to move on.

Ms. Broderick: Yes. But, in fact, it had a big impact, and it made a great impression on John Pickering. John Pickering was later on the law school board and represented the law school with the Control Board. Gay Gellhorn, who was an associate and Wilmer Cutler, came to teach at the law school. We realized that we had met before. She had clerked for Thurgood Marshall. And her son, in his 50s, a DC firefighter, is enrolled in the law school now. You know, these connections follow forever. It's incredibly neat.

Mr. Gross: Just from that one experience.

Ms. Broderick: Just from that one experience.

Mr. Gross: You mentioned in passing the Save Antioch campaign, so let's return to the institution. During the last session, you mentioned that Edgar and Jean Cahn were sort of in their final months, just as you had gotten there in 1980?

Ms. Broderick: I got there on June 9, 1979.

Mr. Gross: They were gone later that year?

Ms. Broderick: Right. It was characterized as a payless payday. I didn't quite get what is a payless payday exactly? And it turned out that Antioch Law School would collect tuition, send it to Yellow Springs Ohio, where Antioch

University was, with the expectation that Yellow Springs would pay the Law School bills, and they didn't. And as I mentioned Jean and Edgar Cahn, in effect, sued for divorce in court to separate the law school from Antioch, and they lost that case, and the leadership at Antioch fired them. And so, six months after I arrived, Jean and Edgar Cahn were fired. Not long after that, Edgar Cahn had a heart attack and very nearly died in his 40s. Joe Rauh loaned them the money because they were cut off without any salary. It was just a disaster.

The law school was just rocked to its foundation. Lots of students transferred, the application pool plummeted, and that has ramifications for everything from the Bar passage rate to everything that plays out over a long period of time. They brought in, initially, a guy who his previous job was the head of the Culinary Institute of America. Seriously. That's who they hired to run the law school. He was actually very good, and he left Antioch Law School to go onto BU where he was the Vice President of Boston University. But the optics of it were not good. It didn't help fundraising or build confidence in the institution. In any case, they hired, I think, I may not remember this correctly, but I think they ultimately brought in Ronnie Pollack. Ronnie Pollack was a brilliantly gifted lawyer and a public interest lawyer, ended up running Families America and has just retired. A nationally known advocate. He came in to run it for a few years, and we righted the ship. Very soon after he came on, he hired a guy named Tom Mack. Tom Mack came in as Clinic Director. He had been

in the Carter Administration as the General Counsel to the Community Service Administration. He had started a public interest-oriented law school in California, unaccredited, but they had something there called the “baby bar” and if you could pass the first-year Bar Exam you could continue and you could take the California Bar. So he was a torts teacher and had experience with law schools, and had also been a general counsel to a major federal agency, so he had a lot of good leadership jobs, and Ronnie Pollack hired him to run the Clinical Program. At that time, Antioch had a \$500,000 grant, which was a lot of money then, for legal services at LSC, Legal Services Corporation. He administered that massive grant, and so forth. As I mentioned, I was hired as a clinical instructor, and I thought I’d died and gone to heaven. It was the greatest job anybody ever had, and my dream was to never do anything but that. After two years, the highest-paid law professor at Antioch, Bill Statsky, retired. And he was the Torts teacher. Tom Mack was sick of administration and decided he would teach Torts. That would save the clinic director’s salary, and on the clinic director’s salary, he would teach Torts and be the Clinic Director, and with the salary that they saved, they would be able to hire two clinicians, two clinical instructors, to permanent faculty slots. And so, I went from making \$12,000 a year and then \$13,000 a year. I was kept on for a third year, and then I was hired onto the faculty. I always say I went to Antioch in the Masters in Teaching Clinical Legal Education Program. It was supposed to be a two-year

program but I stayed back. They kept me on for a third year, along with Diane Brenneman, now a judge and my law school classmate and friend. And Diane and I, she ran the Family Clinic and I ran the Criminal Clinic. We were hired on to the full permanent faculty.

Mr. Gross: Did being hired full faculty change your duties at all?

Ms. Broderick: It didn't change my duties at all. It just meant that I now could bring on a clinical fellow to work with me and expand the clinic and have a permanent faculty vote, and otherwise be one of the grown-ups, even though I kind of wasn't. I was 29 at that point.

Mr. Gross: So then, how then from this moment of recovery after the Cahns, how do we then get to, not long after that, save Antioch from abolition?

Ms. Broderick: So, after the Cahns, I had a few years running the clinic, and I tried some major felonies on the side, using student investigators and second-chairing or co-chairing with other seasoned lawyers.

Mr. Gross: Say more about those major felonies.

Ms. Broderick: Well, probably my favorite case, I represented a woman charged with— well, actually I had two favorite cases. We were talking about Tom Mack. My colleague on the faculty Lois Yankowski was a great lawyer and was running the Appellate Clinic and I took the case on behalf of a woman called Fern Watson. Fern Watson had killed a man. She had stabbed a guy through the heart with a boning knife in an alley on a winter night. We got the case, and I investigated the case. I'll never forget investigating the case with Lois in Anacostia on a rainy cold, cold, cold and bleak

November night. Our student research assistant, clinic member, somebody who was in the clinic, was named Melinda Douglas, who's gone on to be the legendary leader of the Alexandria Public Defender Office for decades. Just a legend. She was our student. On a Sunday night, investigating this case. I remember it was freezing cold and miserable, and I remember thanking her and her saying, "You know, today's my birthday and there's nothing I'd rather be doing on my birthday." She was just a true believer like us. We loved her, still do. I got to do it, it was my first preliminary hearing and I was, again, absolutely terrified. And we were lucky enough to get an Italian judge, Nick Nunzio, and our case was self-defense.

It turned out, that Fern Watson worked at the Safeway, and her job was boning chickens. All day, every day, she boned chickens. The folks who did that carried their own knives in a knife set to and from work because they owned them, and there wasn't a locker or anything, so everyone carried their knives to and from work. She was accosted by a drunk in an alley and dispatched him, didn't mean to kill him, didn't know him. This wasn't a grudge thing or a fighting thing. A drunk attacked her in the alley, and she stabbed him, once, through the heart. I won my first preliminary hearing in a self-defense case and went dancing back to the law school, and Lois and I danced into the Dean's office, and they said "Oh, he's up in the new guy's office, Tom Mack's office." So we rushed up there and burst in "We won! We won the case! She stabbed him

through the heart with a boning knife and we got her off!” And Tom Mack, the new Clinic Director, turned around and said, “Ronnie, you said it was going to be public interest law.” Tom’s been one of my best friends the last 35 years, but that’s how I met him. We all went to lunch that day, and I remember him telling us about his favorite Halloween party, which was come as your favorite saint. He was a character. He figures in the next part of the story. But I should tell one other felony case.

Lois and I also did this case. We represented a woman who had been charged with robbery, assault, malicious disfigurement, and a whole host of things, and the story was they had a regular card game and someone came in to the card game, tied everybody up, and stole all the money from all the people in this regular card game. The thinking was that Alicia Washington, I remember her name, this was a long time ago, had set them up. I think it was her brother-in-law or somebody she knew was the one who came in, so when folks figured that out the next day, they kidnapped her. She was a tiny, tiny little waif-like woman, and they ripped her so fast. They literally picked her up and her shoes flew off and threw her in the car, kidnapped her. Took her and threatened her and it was just a big disastrous mess, and we had that case. It was a three co-defendant case in front of one of the judges, a notorious judge named Joseph M.F. Ryan. And you can see, you can test my words, there on the courthouse wall, they had the names of all the judges in gold, and there it is, Joseph M.F. Ryan, and clients would say “Well, what’s this judge

like?” And we would point to the initials, and say “Uhh, he’s a long ball hitter. He’s famous for locking people up for as long as possible.” We tried this case, and we had a very, very good defense. But in the middle of the case, Ronald Reagan was shot. And the next day, when we walked into the courthouse, it was just a sea change, a palpable change in the attitude and the mood in the courthouse and on our jury, and we lost the jury. They came back guilty on her. But I think we did such a good job. The judge, at sentencing, gave her probation, and he never gave anybody probation. Ever. After trial, especially. They’re morally offended if you actually take a case to trial and don’t plead it out to get a lighter sentence. But that was a moral victory for us because we felt that he really got that the government didn’t make the case, and this change resulted in a conviction.

I love trying cases. I love being in the courthouse. And sometimes it works out well. That trial was just a couple weeks after my mother died. She died on Valentine’s Day, 1981.

Mr. Gross: How old was she?

Ms. Broderick: She was 64. The age I am now. I’ve outlived her. It was very sudden. My mother, as I’ve told you, was really my only parent growing and it was just heartbreaking, devastating, and shocking when she died. I can’t even believe I did that trial. You know, that is the definition of compartmentalization. I just had my head – I had to clear my brain and just focus on this, and I think I really, somehow, managed to mourn

beginning like the last day of classes in May. It was just a terrible, terrible thing to get that word. My students sent me flowers. “Our deepest sympathy, with love from your adult misdemeanants.”

Mr. Gross: Was she in Boston then?

Ms. Broderick: She was. Yes. She was actually in the hospital having tests and she had a heart attack and died. So, we had a big Irish wake and funeral. You think I’m bad. My siblings are as badly behaved as I, or worse. I come from a big Irish Catholic family, and their idea of how you do things is when someone dies, you rent a limousine, and we were renegades. We just weren’t going to do that, it seemed stupid. So there we were in my brother’s bronze van following behind in the funeral cortège, going out to the funeral. We got back to my Aunt Helen’s house, and my siblings and I caucused, and we decided that as the lawyer, I was asked, even though I’m the third of four, I was asked to call the hospital and demand the plants that we had sent to my mother. Demand them back because we didn’t trust them in the care of those doctors. And they said, “Well, uhh.” And we said, “We’re on our way. We expect you to turn over the plants that we had sent.” And we went over and went in and got those plants back and took them and planted them in our care.

So, now it’s 1986, and Antioch University hires a new President called Al Guskins, and Al Guskins allowed all of the units, and there were something like 32 Antioch units around the country, including the law school, allowed them to all collect tuition. And in September or early

October, went around to something like 29 units and told them that they were closing them. So, they took the tuition in knowing this was the plan, and we were outraged. And that launched the Save Antioch period, and we worked on trying to save Antioch.

Mr. Gross: Nobody saw this coming?

Ms. Broderick: No. We didn't at all. It was just out of nowhere. We were horrified. The law school was in the black, but they had blown their whole endowment at Antioch. They're still just coming back. This had been going on since 1986. Thirty years, wow. Damn. And so, they announced that they were going to close it. Oh god, we did a hundred things. We flew out to Yellow Springs and made the case in front of the board of trustees. We just fought like tigers, and they could not be persuaded to keep the law school.

Joe Libertelli, who was a graduate of the class of 1985, was an activist all the way through law school and still is to this day. Joe Libertelli had the idea, and went down to talk to the D.C. Council Chair, Dave Clarke, and said, "We ought to make Antioch Law School a public law school for the District of Columbia." And Dave Clarke, who had sent countless cases to Antioch, the worst constituent services kinds of nightmares, he sent to us, and we always said "Okay!" and we rolled up our sleeves, and we took all these horribly complicated, awful cases for people with mental problems and people with all kinds of convoluted

problems, and we would just unsort it and fix it. So Dave loved us and said, “You’re right, we should.”

That was a long process. We drafted legislation. The plan was to merge with the University of the District of Columbia, and they passed legislation to have us become part of the University of the District of Columbia, and the American Bar Association came in and did a site inspection, and they ruled that they would transfer full accreditation. We had retreats where we planned the transition. Meanwhile, the committee process at UDC was happening, and it was clear early on that a lot of folks at UDC did not want the law school. They would have a committee meeting, and it would be clear that they were about to have a vote against, and the law school folks, led by the aforementioned Tom Mack and others, would show up and make the case why they should keep the law school. And, we often did it with press there or a lot of people from the public and some of the ministers from the Baptist churches and labor union leaders, and community people would suddenly swarm in to the committee meeting, and no one on the committee would then want to vote against it.

Mr. Gross: Why was there opposition within UDC do you think?

Ms. Broderick: It’s difficult to speculate, but the word then, and I was just a young kid, I don’t know, but the word was that it was too white, too liberal. It just wouldn’t fit with the culture. Another part of it was that UDC itself was an amalgam of a merger of three institutions that were wildly different. So you had WTI, Washington Technical Institute, which was a technical

school. They had a printing school, and things like that, merged with the ultra-liberal Federal City College, which had a wonderful, robust liberal arts school. And then there was DCTC, the D.C. Teacher's College, which itself was an amalgam of the Wilson Teacher's College, which was the white teacher's college, and Miner Teacher's College, which had been Miner School for Colored Girls. So, those had merged into DCTC, and so you had these wildly different three institutions merge together and nobody wanted to offend anybody. So as I hear the story, they brought in three athletic directors and just no one really wanted to be together and those cultures live on to this day.

At that time, the thought of adding yet another culture and another set of issues, and then ultimately, after countless positive votes, it came to a vote of the board. We were very political and working it just as hard and fast as we could 24/7. We could count the votes we knew we were going to get. It was going to be a successful vote. We all showed up, ready for the vote and to celebrate at UDC, and they voted us down. We later learned that Marion Barry had called every member of the Board and said to them, "If you do this, it will kill Howard Law School." Herbert O. Reid was Marion Barry's General Counsel and, I think, Corporation Counsel, but at least General Counsel. Herb had been Dean of Howard Law School for years, and Howard had experienced a plummeting applicant pool, because all of a sudden, African-American students finally, after all the racist years, when Black folks couldn't get in to law schools, all of a

sudden every law school wanted every Black person they could get. All of a sudden they were highly desirable. Everybody finally understood, “Gee, a diverse student body is a wonderful thing, and we ought to be doing that and we haven’t done that and let’s see if we can get some Black folks in our school.” So that had an insane impact on the applicant pool for Howard. And so, the fear was if you started an affordable, public school with the mission that we had, which was to recruit and enroll students from racial, ethnic and other backgrounds traditionally underrepresented at the bar, and they were literally across the street from each other, on Van Ness, it would devastate Howard. It’s a valid concern. And people were not willing to take that risk, so they voted it down. We were absolutely devastated. Absolutely. There was a bar across the street called the Royal Warrant, and the whole law school rolled into that bar and we were just absolutely devastated, sobbing.

Mr. Gross: Because at that point it seemed like the future was entirely uncertain?

Ms. Broderick: UDC had dragged the process out for two years. We had graduated the third-year class, but not been able to bring in a first-year class. We graduated the next third-year class, we’re down to one class. And it was over. But a day or two later, D.C. councilmember Hilda Mason introduced legislation that would make the law school an independent agency of the D.C. government. The original legislation called for us to merge with UDC in three years. So we lived to fight another day, and it was a fight. Because now, the legislation that was originally passed called

for Antioch to be merged with the university and for the appropriation associated with the law school to go to the university. Now, we had to go to Congress. Dave Clarke characterized this as a technical language change. Marion Barry characterized this as a massively giant change that would have to go back all the way through the whole process.

Mr. Gross: Why did Hilda Mason introduce it in the first place?

Ms. Broderick: Because otherwise we were going to die. They voted it down. If we're not going to have a law school, the law school ends. It's over. And the only way we could possibly live would be to be, okay, Council had approved the money, we could be independent. They had approved a budget. The original budget was \$1.3 million. So she introduced that legislation. Now, by this time, Tom Mack was the Dean. He was the last Dean of Antioch. The new legislation called for the establishment of the independent law school, and we needed a board. I was intimately involved with the whole development of the independent law school. What would that take? Because by this time, remember, Antioch was down to one class of students. I don't know, fifty or sixty students, so they had almost minimal tuition revenue. But they still had the cost of the building, and they still had all the cost of the faculty. So they were laying off people, as many as they could, as fast as they could. So we had no admissions dean anymore. They only had to keep those of us in the clinic where we had a big caseload for third-year students that had the clinical requirement. And so, we were down to just a handful of faculty. Anyway,

the legislation called for the takeover of the Antioch personnel, programs, clients, and all of that, and alumni. It would become the personnel, programs, and so forth and clients of the new law school.

I had gone to Boston to see family for some reason, and I remember being on a pay phone talking to Hilda Mason's legendary husband, Charlie Mason, who worked for free for his wife. After he retired from the federal government, he went to Howard law school. A white guy, Mayflower descendent, Charles Mason, went to Howard, and then he volunteered and worked for free in his wife's D.C. Council office. He was a brilliant guy, second in the class behind Jim Dyke, who's now on the board of UDC.

I talked to Charlie Mason, and were trying to decide who could be on the board. We decided that it could be Joe Rauh, the legendary civil rights lawyer who'd been on the board of Antioch, and it could be Vince Gray. Vince Gray ran the D.C. Association for Retarded Citizens. Antioch had brought the *Forest Haven* case, which resulted in the closure of the Forest Haven Institution and the freeing of 1,800 people to go into community placements. This happened over a million years, but Vince Gray loved Antioch because we'd done that case, and Hilda called him at 6:00 in the morning and told him he had to be on the board, and he said "Yes, Hilda, I will." Tom Mack was the last Dean of Antioch, so he went on the board. Fred Abramson was the immediate past president of the D.C. Bar. Notwithstanding the name Abramson, Fred Abramson was

African-American and a Yale law graduate who cared very deeply about the city and was willing to take that task on. And Virginia Morris, who had been a Ward 8, she had been head of the school board. So it was this great group of five board members, and, we were saying, “Yeah! How about, you know...,” and then the rule was you couldn’t name names, you had to name positions. So, we’re going to have a board comprised of the immediate past president of the D.C. Bar. We basically got people we wanted by describing their positions in life. We got it going.

We had to go up to Congress and argue before the Senate Appropriations Committee Subcommittee on the District. It was Marion Barry against Dave Clarke, and it was actually one of the first times I ever had this role. So, I was sitting there. Dave Clarke’s arguing, but he didn’t know all that much about the nitty-gritty of it, and I was scribbling notes and handing them to him, and he was reading whatever I said, this complete stranger to him. He was reading “another thing,” and he’d make a point and Marion Barry would come back and he’d say, “And another thing.” I was, you know “[gasps] what!” Anyway, and we prevailed. And the Senate Appropriations Committee Subcommittee on the District of Columbia recognized it as a technical language change and put it in place. So now we had a board, but Marion Barry, as Mayor, had to convene the board before the board could take actions, and he refused to convene the board.

Mr. Gross: At this point, as Mayor, he continues to claim he's opposed because of the Howard issue? I mean, it's a different law school, but is it the Howard issue, or what is happening?

Ms. Broderick: I don't think he was claiming it. I think he thought Antioch was terrific, but if it was going to kill Howard, it wasn't that terrific. And I don't think that's an irrational or unreasonable view. I did at the time, but I'm now an adult, and I can see that that would be a tragic loss. At the end of the day, Howard, by then, was a completely different place. It was apples and oranges. Very few people apply to both Howard and UDC. UDC is a public interest, social justice place.

Mr. Gross: Did they applied to Howard and Antioch? Because they had coexisted, obviously.

Ms. Broderick: No, they were wildly different. Howard has a phenomenal rate of placing people in corporate law firms. It's a very mainstream school. Antioch, and followed by DC School of Law, were very social justice, public interest driven. Although Howard had a proud history of that, that wasn't the space it was filling after the 1960s, and by this time, in the 1980s, it just wasn't their role. It wasn't how they rolled. And that's not to take anything away from anyone. We were just very different kinds of schools. Antioch required three years of live client clinic, Howard had a boutique clinic that a few people took. It was just different. Both wonderful. But if you have an affordable school at a historically Black university across the street, it changed the dynamic, and there was a fear. And at the end of

the day, it didn't play out. We were established, and people understood when you read the catalogue these are very different places, and you either want that kind of a place or this kind of a place. And so it hasn't been an issue. But again, it wasn't an irrational concern.

So Hilda Mason and Dave Clarke tried to get Marion Barry to convene the board, and he wouldn't do it and he wouldn't do it, so we decided we were going to sue them. We got a bunch of plaintiffs who were current Antioch students and current UDC students who wanted to go to law school, and we worked like dogs for a week or a couple of weeks to sue Marion Barry to mandamus him, have the court order him to convene the board. And then we got a whole lawsuit written, we had all the plaintiffs in place, we got it all set, and then Hilda Mason said, "I don't want to sue the Mayor. I'm not willing to sue the Mayor."

In any event, we somehow, I don't remember the details now, but we managed to get the board convened otherwise. The board came together, and at the first or second board meeting – as I said, Antioch had laid off all the grown-ups – and Tom Mack had decided to go into private practice and open a practice that was partially located in Boston and partially in Washington. He was the chair of the board, but he resigned as Dean. They had a meeting in September of 1987, and when they came out, they told me that they had decided that I would be appointed to run the law school, and we were going to call me the Administrator.

Mr. Gross: Okay, so you've been named the Director – sorry, the Administrator.  
How did that happen?

Ms. Broderick: So, again, I can't remember how many of us there were, but there were only, I think, 29 employees left in the whole law school. That's maintenance, faculty, staff, the whole thing. There were only 29 of us. A small number of faculty, and just at every stage, when we decided to gather hundreds of signatures of important people to say Antioch is a wonderful thing, we should save it, I went out and called everyone and worked the system to death. I got people to get people to get people and that kind of thing. I was an activist. Actually, I was an activist, so I was very involved in every level. I was at the hearings. I was just a part of it, brainstorming how to figure it out to make it happen. I don't know. They lost their minds, maybe the actual reason. And they were desperate. There just weren't a lot of choices. The regular grown-ups had to go get jobs. They had mortgage payments. It just wasn't clear it was going to make it. They had kids in school. They had responsibilities, and I was a renter living in Adams Morgan and walking to work, I had my old Volvo, and I could do this. I was free to do this. And I didn't know what I didn't know, and I didn't know better.

Mr. Gross: So the Administrator role, was it clear what it entailed? Is it the equivalent of being the dean of the law school?

Ms. Broderick: Yes, it was. So, I literally was running the law school. There was a guy from Antioch, Lou Feldstein. Antioch had put in place an administrator in

the Antioch close-out. But in terms of someone to run the law school, as it transitioned that year from Antioch to the D.C. School of Law, I became the Administrator for the D.C. School of Law. I moved my office into the Dean's Office. I was the person allowed to park out front. My old beat-up swimming-pool blue/robin's-egg blue Volvo, parked out front. I was the boss.

Mr. Gross: This is all happening in the old Antioch Law School?

Ms. Broderick: In the old H. H. Richardson mansion, yes. Which half the people who walked in thought wow, this is a fabulous old mansion with all these terrific appointments, and the other half walked in saying wow, he rug is torn and this is so funky. I was in the former half. And so I became the Administrator for a year.

Mr. Gross: The last class of Antioch graduated in 1988?

Ms. Broderick: I became the administrator in September. The last class of Antioch graduated the following May. We were recruiting the founding class of the DC School of Law, which would start September 6, 1988, and that was the day my successor, Bill Robinson, started. So I ran it from September to September.

Mr. Gross: There's a lot going on.

Ms. Broderick: The first thing I did is, Antioch had laid off the Registrar, Ann O'Shazley, and I called her up and said, "They tell me you're a really good typist, and I can't type. Do you want a job?" And she said yes, and so she came to work for me and with me and would stay there until midnight. I had a

drawer full of toys and crayons and stuff for her little girl who would come over with a friend. “Who’s that? Is she the principal of this school?” Kind of. And they’d sit on the floor of my office, coloring and playing with toys while we worked out the budget and did all kinds of crazy stuff.

So I remember sitting in that office, trying to figure out – when you start a new agency of the D.C. government, which is what the Council had done, they had established a new agency of the D.C. government – how do you get the money? Do they come over and give you the checkbook? I mean how do you get the money? The money had been appropriated. There was money, how do I get the money? And how do I spend it? And I literally sat there in that office just scratching my head. You’ve got to understand, I ran the Criminal Defense Clinic. I had no idea how to do anything. So I called Information. This is maybe something you’ve never heard of, but you could call a number and someone would answer the phone and they would give you phone numbers for people. So I called Information, and I said, “Is there an Office of Management and Budget for the District of Columbia? Like an OMB like the federal government has?” And they said, “Uh, no.” I said, “Okay, is there a controller? Is there like a comptroller’s office?” And they said “yes” and they gave me that number and I called, and I said “I’d like to speak to whoever the comptroller is in charge of the University of District of Columbia, or the D.C. Public Schools.” Some education person. And

they put me through to Charles Simpson. And I said “Hi, my name is Shelley Broderick, and I’m the Administrator for the new D.C. School of Law, and I have 29 employees, and they’re amazing employees. A lot of them are lawyers working on cases on behalf of some of the poorest people in the District of Columbia and others are teaching a class of students who are now part of the D.C. School of Law and others are working to make the systems run, and I have to pay them at the end of the month, and I need to know how to do that.” And he said, “Well that legislation didn’t pass.” And I said, “I assure you, it did pass. I promise.” He said, “Well, I guess you better come over. Bring a copy of that legislation.” So I got a copy of the legislation, and I went down to the Comptroller’s Office, and I met Mr. Simpson. He’s an unsung hero. He’s passed away now, but he’s really a founding father, because without him. And so he gave me my marching orders. He handed me the 150-page D.C. Personnel Statute, and I went home that weekend and read the 150-page D.C. Personnel Statute.

Mr. Gross: What are some of the relevant highlights of the Personnel Statute?

Ms. Broderick: I had to write contracts. I had to write contracts for 29 employees pursuant to the statute so that they could get paid. You can’t pay anybody if they don’t have a contract, and then we had to have them classified. So he introduced me to someone called Mary Noi Gu, who’s also passed away. She was a young Nigerian woman who worked in the Comptroller’s Office, and he told me she’s not well-liked. “I’m going to

detail her to you. I'm going to give you a free employee. She's very smart and very good, and she will develop the system for you to make sure that everybody gets paid, but you've got to understand what has to be in the contract. You've got to write the contracts, and you've got to do it immediately because otherwise they won't get paid."

Most of the people were paid. We figured out the cost arrangement that Antioch would have to pay these people 50% and these people 40%, or whatever it was, and D.C. School of Law should be responsible because part of what they did was graduate the last Antioch class, which was Antioch's responsibility. So part of what they had to do would be to establish the new D.C. School of Law. So some were all D.C. School of Law, some were part, and I had to write consultant contracts for everyone. The Personnel Statute government consultants had to be in play. But others were full-time new employees, so another part governed them. And some were at-will, and some were not at-will. And I had to learn all that. And Ann O'Shazley had to type it all up.

There was a Antioch grad who had been working the paralegal program, and her name was Stephanie Brown. Tom Mack, who was chair of the board now, suggested that we invite Stephanie Brown to come work with me and be kind of second-in-command getting this thing going. So we hired Stephanie to work on it all, and then the next piece of business we had to do was Antioch was threatening to sue us if we didn't get out of the building. They wanted to sell the building, so I had to find a building

that could be used as a law school. Did I mention I'm a renter? I had to hire a lawyer, because you can't hire or procure unless you do so pursuant to procurement and personnel rules and regulations published through the D.C. Register. So Hilda and Charlie suggested that we talk to David Split who had written the personnel and procurement regulations for UDC. So, there were three independent agencies at the D.C. government in the education group: UDC, DC Public Schools, and the DC School of Law. So we were this teeny-tiny little agency, but we could learn from how the others operated. So I hired David Split, who drove over in, I believe, a Corvette and came in wearing cowboy boots. A big, tall guy, a great lawyer. He had started the Office of Documents, which is where in the D.C. government you actually get such rules published, and they're deep sticklers. So David knew exactly how to do it and he had started it and rejected tons of them and written the rules of what it took to get new regulations published in the D.C. Municipal Regulations. So he did the procurement and personnel regulations, pursuant to which we could hire and procure. So I had to find a building.

Mr. Gross: Did you also need to hire for the next year?

Ms. Broderick: I had to hire an admission dean. So I reached out to the person who had been the Antioch Admission Director. She had been laid off a year or two before. Her name is Vivian Canty, and she just retired last December. She was my first hire. Actually, I think that's not true. I think our first

hire was Jean and Edgar Cahn to come back and recruit a class to the new law school.

Mr. Gross: It sounds like we want to recreate Antioch to the extent that we can. It's a new law school, but if we can get the same people, that would be wonderful.

Ms. Broderick: Well, it's a great question, and that's partially right. There were lots of things about Antioch we wanted to massively have nothing to do with, and there were lots about Antioch to replicate immediately. And so we did things very much the same way and very differently, depending on the thing. So, for example, Antioch was ungraded. We wanted to have grades. We thought that it hindered students' ability to get jobs if they didn't have grades. Antioch had rules that meant you could always retake finals, so there was never any finality and you never, sort of, got to that do-or-die point. You know it was "Eh, if I blow this exam I can retake it." Oh my god, people would be retaking finals for years. And so on and so forth. It was pass/fail. We just wanted to do a lot of things very differently, but Vivian had brought it extraordinary classes of passionate advocates for justice and we wanted her back immediately. I met with her at lunch. I had worked very closely with her. She and I had actually admitted one entire class at Antioch because the chair of the committee had gone on sabbatical, and no one was convening the committee and no class was being admitted. My research assistant was working with her and told me that and I said tell her I'd be willing to help, and the next thing I

knew, I was reading hundreds of application files. Vivian and I were making the decisions on who was coming in. She and I never disagreed about anyone, and I thought she was great. So she said “Well, how much will you pay?” and I asked Stephanie Brown how much can we pay? Stephanie Brown said “Well, this is the range,” and I said well whatever the top of the range was, which I think it was \$39,000 or maybe it was \$36,000, some pathetically low salary, but I hired her at the highest amount I could. I brought in Jean and Edgar Kahn, who I thought I’d buy the candy store, I’d buy the bridge from them. I thought if anybody can convince future advocates for justice to come, it would be them. They sent their son Jonathan in, who was a brilliant, Harvard-trained lawyer to negotiate salary and I said, “Jonathan, there’s no negotiation. Here’s what I have and they’re getting every penny of it.” “Okay.” We’ve been friends ever since.

Mr. Gross: They were excited about coming back?

Ms. Broderick: Thrilled. Yes. Just on that piece, so let’s keep going. So, I had to find a building, and I didn’t know how to find a building. Some guy contacted me. His name was Jack, I can’t remember his last name now, and he was at some real estate firm, and he showed me some buildings. And other people showed me buildings, and I’d hear about buildings, and I went and looked at, I don’t know, thirty buildings. I looked at the car barn, and I met with O. Roy Chark. So the one thing I knew was that law libraries are very, very heavy, and they require 150 pounds per square foot floor

loading, so you needed a place that could sustain that kind of floor load. I knew that because of all the stories around Library of Congress. They had to start over. They built something that didn't have sufficient floor load. Someone had told me that, so I knew that. But I was petrified that what else don't I know? I mean, I happened to know that, but what are the other million things?

Mr. Gross: Other minutia.

Ms. Broderick: Yes. Do you have to have a sprinkler system? What are the ADA requirements? Well they didn't have an ADA yet, come to think of it. I got a call from Louie Clark, who ran the Government Accountability Project, which was one of our clinics, and he said "You know, we just hired Coldwell Banker, a guy named Randy Levitt, to find us a building and we had various specific requests. We wanted windows that opened, we wanted an environmentally safe building. They were absolutely wonderful to work with, and you should talk to them." And that was literally a gift from God. I called Randy Levitt. He came over, and he devoted thousands of hours to holding my hand. Again, this 35-year-old kid who has to find a building and move us into it and sign a multi-million dollar lease. So one day he showed me buildings, and we narrowed it down very quickly to two buildings, right at Metro Center, both of which were available. D.C. had tremendously overbuilt at that point, and so there was all this old stock available. We couldn't afford new stock. All this old stock that was going to be torn down, it was a recession, there

wasn't any money. And so, they were willing to rent out fairly cheaply. And I said "I don't know what I don't know." And so Randy suggested that we do an RFP, Request for Proposal, and have architectural firms come in and do a feasibility study on these building options. And I said "Yes, good idea. That's a great idea." And so we wrote a request for proposal, we issued it, and about ten or twelve architectural firms replied. Randy helped me work through a device by which to measure what was the best firm for this process. We followed the process that he laid out. I cannot begin to tell you how calm and cool and collected he was every day. I knew this guy as well as I've ever known anybody in my life. We were joined at the hip for months. From looking at buildings, through this, it was determined, and thank God we did this because it was determined we would need a zoning variation for the library, and we would have to spread the floor load and we could only have stacks that were three feet high and they had to be much farther apart than they would normally be, which would mean we required much more space to house the library, and so on and so forth. But we learned what we needed for bathrooms and what we needed for sprinklers, and all the other stuff. We selected the building, and it was just a brilliant choice because it was on the corner of 13<sup>th</sup> and G, right next to where Macy's is, right at Metro Center. Three blocks from the DC Council, two subway stops to the courts. I mean, it was the most perfect location you could have. David Split helped me to negotiate the lease, which was seventy pages long, and I'm saying "We

need bicycle racks,” and he says “Bicycle racks? Shelley, focus. Focus.” And I’m like “No, no. We have to have bicycle racks.” So we negotiated this lease. By that time, there was no phone system at Antioch. Antioch had threatened to sue us, they were on the brink of suing us to get out the building. We had to move, and we had to move fast because they wanted to sell the building.

Mr. Gross: You were up against the clock.

Ms. Broderick: We’re up against the clock. I’m negotiating this lease from the payphone in the lobby at Antioch because I had no phone. This was, of course, before cell phones and everything. I’m in the payphone putting dimes in, negotiating this lease. It was discovered that the building had asbestos. The building had to be draped. The whole building had to be draped while they worked around the clock to remove every ceiling tile in the building because they had asbestos. All 6 floors, 56,000 square feet.

The day they finished, they took the drape off, and we moved in to the sixth floor, as lawyers say, “as is; with all faults.” The building had no air conditioning, it had no ceiling tiles. There were wires hanging out of the ceiling and out of walls. There were holes in the wall where the last move had taken place. Nothing was painted. Did I mention no A/C? It was the hottest summer, it was 1988, it was the hottest summer on record since 1942. And I know that because Joe Rauh, member of the board and a legendary civil rights lawyer, was reminiscing about being interviewed by *The Washington Post* about the previous hottest summer on record as

his son Michael was born that summer in July. Why do I remember that, I don't know. In any case it was just blistering hot on the top floor of this building.

I had to find a place to house 70,000 volumes because Antioch's library, which was owned originally by Catherine Graham's family. It was the Meyer mansion and is now part of Meridian House. We had to be out and we didn't have a building. So Hilda Mason found a Metro warehouse. She was on the Metro board, as part of the council, and we found a Metro warehouse and we got the D.C. public schools' trucks to come in and move 70,000 volumes into the Metro warehouse and house them for us.

We had to hire a librarian. In came a guy George Strait. My theory was we needed either an old lion that the ABA couldn't challenge or some Young Turk who's going to work like a dog and make it all happen. An older guy who had been forced to retire I think at age 70, from the University of Iowa, who had been the founding librarian at Antioch. He'd been at Harvard, he and his wife were going through a divorce, he needed to kind of get out of Dodge, came down to Antioch for a year or two and was the founding librarian for the library. He was ready to come back from Iowa, where he'd been ever since, and be our founding library. He was an African-American guy, a real wonderful guy. I adored him, with a thick Boston accent. He said "Shelley, I'm going to tell you my acquisitions policy." I said, "What's your acquisitions policy,

George?” He said, “Beg, Borrow, Steal, Barter, and Purchase. In that order.” I said “You’re hired!” I actually think he was hired when Bill was on board. I might have hired. I forget if I hired him or Bill Robinson.

I had to hire a dean. So we found a dean. He was a good friend of Tom Mack’s named Frank Jones. We hired him, and the board was thrilled with him. He was wonderful. He was a tall, handsome African-American man with an eye patch. He was like a model. He was a gorgeous guy. Very smart, lovely guy. Frank Jones started, and I forget if it was two weeks or four weeks later, he was moving down from Boston. He had been part of Tom Mack’s law practice. He’d been moving down from Boston, only he just really wasn’t moving. I was supposed to be turning over the reins, but it wasn’t happening. One day he took me for a walk in what is now Trump Hotel, the Old Post Office, and we sat there and he burst into tears. I thought what the hell? He said he actually had not cleared his accepting of this position with his wife. He hadn’t mentioned it to her. He had been waiting for the right time. He had finally mentioned it to her and she said, “Hell no, I won’t go.” And so, he had to resign. Meanwhile, we had had a huge welcoming party at the D.C. Council for him. And I’m back in charge. I had never not been able to be in charge because he had never actually come. So we had to start back at the drawing board and find a dean. Meanwhile, we had just graduated the last class of Antioch, we’re moving in to the new building, and Edgar Cahn said, “You know who’d be good? Bill Robinson. He’s the head of

the Lawyers' Committee for Civil Rights. I talked to him not long ago, and it's clear to me he's ready for the next chapter, and the Academy might be something that he would consider and we should talk to him." Meanwhile, I had felt that it was very important to have an African-American dean. At that time in the District of Columbia, it was known as "Chocolate City." It was something like 73% African-American. It was just the right thing to do to have this school be led by a man or a woman of color, and I think that view was shared by the board. I had reached out to Charles Ogletree to talk to him about thinking about it. He came down and interviewed, and I took him to Joe Rauh's house. Joe had terrible health issues and very nearly died, but he was so game to make this law school happen that he did the interviews right in his home. I took Charles Ogletree to his home. I interviewed Frank Carter from the Public Defender Service and other people. I talked to a lot of people about this. We got so lucky to get Bill Robinson. He was head of the American Bar Association's Section on Individual Rights and Liberties, the Civil Rights Section of the American Bar Association. He was a civil rights champion who'd argued the two biggest labor law cases in the Supreme Court. He had run an organization for ten years. He had worked before that at the NAACP Legal Defense Fund, and before that at the EEOC. He was perfect. It was like central casting sent him to us. He was a graduate of Oberlin and of Columbia Law School. And he wanted to do it. Stephanie

and I took him to lunch, and he agreed to come on board. He was hired, and his first day was the first day of classes, September 6, 1988.

Mr. Gross: The building at this point has classrooms?

Ms. Broderick: We moved in in May, in as-is, with all faults. The reason we started September 6 was because it was the last possible day. If we have the last final exam Christmas Eve, we could meet the ABA time requirements for offering a class. So we wanted to give the builders as long as possible. We moved in. It still reeked of paint, and we moved in to floors 1-5, or maybe even 1-4. We had recruited fifty-six extraordinary risk-taking pioneers. Eighteen of them had master's degrees, six had PhDs. They were extraordinarily diverse. They were cowboys. They just believed. They believed Jean and Edgar,, they believed me and others. And in they came September 6.

Mr. Gross: What was tuition? Do you remember?

Ms. Broderick: About \$2,000 for D.C. residents, \$4,000 for out-of-state. I remember the first day, the very first student I met said, "Hi! I'm Oma Walliad-Bonna," and I thought this is going to be harder than I thought. Of course, I don't remember any of the Johns or the Bills, but I'll never forget Oma Walliad-Bonna. We had an amazing group and they've gone on to do extraordinary things.

Mr. Gross: That inaugural class?

Ms. Broderick: That inaugural class. And this is the 25<sup>th</sup> anniversary of their graduation. They graduated in 1991, which was 25 years ago, and we're going be celebrating that this year.