

Oral History of Dean Broderick Fifth 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 on May 3, 2016. This is the fifth interview.

Mr. Gross: Good afternoon, Shelley. It’s May 3rd.

Ms. Broderick: Amazing.

Mr. Gross: Amazing. We kind of went through your career, and now there’s some loose ends we need to tie up, some of which began in periods we’ve already talked about but are kind of set pieces in and of themselves. These would be some of your extracurricular activities. You’ve been involved with a lot of stuff, legal advocacy, outside of the university, so, let’s just start there. How did you get involved in some of this legal advocacy work, and where is it now?

Ms. Broderick: Well, I love talking about it because it has been a great part of my life. Robert Frost said, “I want to unite my vocation with my avocation as two eyes make one in sight.” I’ve had the luxury and the pleasure of doing that throughout my life. So, I have my vocation, which is law and teaching, but my avocation is social justice more broadly around poverty and civil rights and civil liberties, and I’ve gotten to unite them as two eyes make one in sight, throughout my career.

In 1989, I was invited by MaryEva Candon, then the executive director of the Legal Aid Society, to a morning meeting at her office. At that meeting was Jan May, who was the executive director of Legal

Counsel for the Elderly and Lynn Cunningham, who was the former managing attorney at Neighborhood Legal Services Program. He had, I think by then, moved on to George Washington University in the Legal Clinical Program. These are all androgynous names, if you're realizing, Jan is a guy, Lynn is a guy, Shelley is a woman, but could be a guy, and I believe someone else was there, but I can't remember who it was. We gathered to talk about just how very bad things were and just how we tortured our clients. A client would come to me with a family law issue, and I would say, "Gee, we'd love to take it, but we're closed in the summer, we're not accepting new cases. You need to go to Neighborhood Legal Services." And they would go to Neighborhood Legal Services, and Neighborhood Legal Services would say, "The attorney who does that is on maternity leave, you need to go to the Legal Aid Society." And they'd get to the Legal Aid Society and, "Oh, we've just had a budget cut." There was no coordination at all, and we really didn't know what each of the organizations did or what the other resources were. The more we talked about it, we focused on just the serious problems with the delivery of legal services in the District of Columbia, and we recognized that if we came together, it would be a wonderful thing because it would allow us to get to know each other better, refer more closely and appropriately, and potentially work together to notice trends. We came together and we launched something called the Consortium of Legal Services Providers, and we invited those folks who we knew, and there were probably about

ten of us when we began. It has still met the third Thursday of every month at 9:30 since 1989, which is a good long period of time. I'm still an active member. I'd say this year I've gone less than I always have before, but hope to get back in because I think it's an incredibly important organization. The meetings begin by going around the room, and I say "I'm Shelley Broderick, proud Dean of the UDC David A. Clarke School of Law, your tax dollars at work." And I say, "We're doing a symposium on D.C. democracy issues, and here are the speakers, and we have opened a new clinic, or we've changed the focus of our Legislation Clinic, and so instead of sending our students out to work in the D.C. Council, we're now taking on in-house clients, and working on policy change. So if you know of policy changes that you and your organization would like to see happen, or of others in the community who could use legislative counsel, let us know." Just an example. And then the next person might be from the Legal Aid Society or the Washington Lawyers Committee for Civil Rights, et cetera, and we go around the room and talk about what big things we're doing. "Our gala is..." or "We're doing a big report on predatory lending," whatever it is. So everybody understands what the organizations are doing, puts a face to the name, and gets to know each other and think about, "Oh wow, we're seeing a huge increase in bankruptcies or foreclosures, so we think we need some legislative policy change around that," et cetera.

Mr. Gross:

There could then be a lobbying dimension to it?

Ms. Broderick: There absolutely could and has been. This was so important to changing the whole culture around the delivery of legal services in D.C. We grew and grew. We always had co-chairs, and I was a co-chair for more than five years. I think I was co-chair longer than anybody else has been. Judith Sandalow, from the Children's Law Center, may have been close. Jonathan Smith may have been close. I think I was there longer. Under Jan May's leadership, Jan May being an alum of the law school, he went to Antioch, he helped us with the process to actually come up with our mission. The mission of the consortium is to improve the quality, increase the quantity, and coordinate the delivery of legal services for low-income people and organizations in the District of Columbia. When I was leading it, I suggested that we do a retreat and really try to think through, as a group, what the biggest gaps in the delivery system are and come up with recommendations for how we might fill those gaps. My sister used to run something call the Stewart Mott Home, it's a house between the Supreme Court and Hart Office building. Public interest groups could use the rooms or host receptions there. We came together and we spent a day thinking through what the biggest gaps were, and there were four. One of them was we don't coordinate well enough, and if we had a common intake, if there was one place for people to call in, then we could then refer to the appropriate place where they were up and running, et cetera. A second big gap was people don't know what legal issues are or where to go to get help for legal issues. One of the recommendations that came

around how we address that was a television show where we interview legal services providers and bring in learned people who know about particular issues, from predatory lending to domestic violence to foreclosures, or whatever it might be. And that, of course, is why we developed the television show *Sound Advice*, which I will talk more about in a little while. I believe we've hosted the show *Sound Advice* for more than sixty years, interviewing legal services providers primarily, but also, judges and clients.

Another gap was training and how about if we pooled our resources and made sure that all the poverty lawyers really had good and ongoing training. In any case, I wrote a little grant to the Meyer Foundation and got \$10,000. We hired one of my alums, a recent alum, to help us put together a serious symposium, and we had countless planning sessions for this symposium. We hosted the symposium in 1999 at UDC Law School. Leading up to the symposium over a several-month period, we had working groups on each of the four biggest gaps in legal services, and the working groups developed draft recommendations for how we fill that gap, and then we sent out all of that information and brought people together. We brought the chief judges, we brought big law firm partners, many of whom were former presidents of the D.C. Bar, and the former presidents of the D.C. Bar comprised the board of the D.C. Bar Foundation, so money primarily coming from IOLTA funds, something you may know about or may not. IOLLTA stands for Interest on

Lawyers' Trust Accounts. So let's say you get a million dollar settlement, and the legal party sends the lawyer that settlement, and it sits in that lawyer's account for four days while they figure out writing all the checks and who gets all of it and how it's all going to be disbursed. Well that four days, it earns interest. Well, whose interest is that? Well, years ago someone figured out, if you pool all that money, that's a lot of money, and it really isn't owned by anyone. It's not appropriately someone's, and how about if we use that to provide legal services for people in poverty. So the IOLTA funds, here and elsewhere around the country, have been used to fund legal services programs.

For years, we loved getting D.C. Bar Foundation funds because the great thing about this group of bar presidents giving out that money, which amounted to many, many thousands of dollars a year, was that, for whatever reason early on, the culture was we want to fund ongoing regular old legal services. We don't you to write a grant to add bells and whistles and now you're doing the hottest, coolest things. No. This is for people representing hardcore people in poverty with landlord-tenant matters. It doesn't have to be sexy, it has to be done. We need lawyers to do this work. We don't have anywhere nearly enough funds. We're going to fund just the real work. So we loved those funds. We wanted those important people, the chief judges and the major firm partners and the bar presidents, to understand the breadth and depth of the problem that people in poverty have in securing access to justice. This symposium changed

the world. It really changed the world. It went on for a couple of days. We had a reception on a Friday night, we gave plaques to them all, and they all felt great about it. We invited Peter Edelman to give the keynote. He had, I think, just recently quit Bill Clinton and the Welfare HEW because he was offended by the rules going from welfare to work. He was a national scholar and lawyer around poverty issues, and he had real clout, and people listened when Peter Edelman talked.

We also learned of someone called Ada Shen-Jaffe. Ada Shen-Jaffe, during the worst of the fiscal crisis in the late 1990s, in the state of Washington, in utter despair at the complete breakdown in the system and the complete inability to address the millions of people in poverty around access to justice issues, convened poverty lawyers from across the state, and they wore buttons that said “No turf.” We have to come together and we have to decide how we work together to make sure we can address the needs of the largest number of people in the best possible way, and if there are two groups doing the same thing, they shouldn’t be doing the same thing, and we’ve got to figure that out and make sure we’re providing the best coverage we can. People are just going to have to come together with this mission, and they did. They established something called the Access to Justice Commission, and I believe it was the first one. They worked together, and they were smart enough. “Okay, poverty lawyers, don’t have any money, they don’t have any clout, they don’t have power, and they don’t have a voice. They don’t have a bully pulpit, so how do we get

the word out and capture the attention of those who do have power and money and clout and a bully pulpit? So, the Access to Justice Commission is comprised of the chief judges and big firm partners and the Bar Foundation leaders, as well as the poverty lawyers. And if we come together, imagine what can happen.

This retreat was just profoundly successful, and it's one of the things I'm proudest of in my life, having been deeply involved in planning and the execution. We published a Law Review. Lynn Cunningham did the first real needs assessment. What are the biggest needs in D.C.? Jan May, from Legal Counsel for the Elderly, looked at all the innovations that had been tried in D.C. by various organizations. The earliest stages of technology and collaborations addressing particular problems, and so on. He collected all the innovation, because there wasn't the kind of communication that there is now. People didn't know. "Wow, I could do that. We should be doing that, we should be working with them on this issue." So the articles were very important and useful, and that Law Review was well-funded by many, many, many people. It was great. And we called for the establishment of an Access to Justice Commission in the District of Columbia. And this is one of the biggest disappointments in my life because we failed miserably.

Mr. Gross: What happened?

Ms. Broderick: Well, the two biggest legal services providers were the Neighborhood Legal Services Program, which was run by the legendary Willy Cook,

who was a warrior for social justice, but did not play well with others. He would not participate. He insisted that he wouldn't participate in the Consortium of Legal Services Providers because we didn't have client members. We all felt that theoretically that's a good idea, but we're talking about the delivery of legal services by the lawyers, and it was hard for people to see how clients could really add to that conversation particularly. We all talked to our clients all the time and are aware of many concerns, and some of the organizations had tried having client members unsuccessfully. Some had client members. But in any case, for whatever reason, despite it seeming like a good idea, we never went that route, and Willy Cook would not participate. And a lot of people pointed to the Neighborhood Legal Services program and said they've had the same former client on their board for thirty years, and it's really not helping. So it sort of seems like a good idea, but not moving the institution ahead.

The second and biggest legal services provider was the Legal Aid Society. The Legal Aid Society was run then by a guy who also didn't play well with others and had some disdain, really, for these others. The Legal Aid Society was more tony. They had a funded attorney from Covington and Burling. A paid associate from Covington would go work at the Legal Aid Society, and he'd be some fancy Harvard graduate who would spend a semester. It was much fancier, very different kind of approach.

In any case, if the two biggest providers wouldn't participate, it didn't make a lot of sense and it wouldn't work. Many of us were just heartbroken because we knew the benefits that would derive from having an Access to Justice Commission. Well, flash forward. I will augment this for you with the date. I believe it was 2006, we founded the Access to Justice Commission. Because by then, other leadership in both organizations came into place. Critically important, Jonathan Smith, an Antioch Law School alum and wonderful leader, took on the Legal Aid Society. Jonathan worked very closely with the then-chief judge of the DC Court of Appeals Annice Wagner and others, and the Access to Justice Commission was established. It had 12 or 15 members. Peter Edelman was the chair, so we were prescient in knowing that he was the right guy for leadership in this area. Patty Mullahy-Fugere, who was one of the UDC symposium years before and runs Washington Legal Clinic for the Homeless, was a founding member, and Jonathan Smith, then of the Legal Aid Society, was a founding member, and many others. Judge Inez Smith Reid from the DC Court of Appeals, who's also on the board of our law school, was a founding member, and other terrific people. Well didn't they look around at best practices from the small number of other Access to Justice Commissions nationally and figure out probably the single, most important thing we could do is to conduct a needs assessment really professionally. They got DL Piper and others to agree to fund a very well-managed and thought-out legal needs assessment, where all the providers

were surveyed, and so on, and see where the greatest needs were. They conducted a study to see where the lawyers for people in poverty were. It'll shock you to hear there were almost no lawyers east of the river. Just a tiny, tiny number where the greatest poverty and need was. Having this information enabled the leaders to go to the D.C. Council and say – I don't recall now off the top of my head the number of states that had decide to fund legal services delivery, but many, and DC should do that. And in the first year, the D.C. Council funded three and a half million dollars and added 29 lawyers, most of whom were east of the river, to serve people in poverty. Oh, my heart soars. At graduation that year, we honored Chief Judge Annice Wagner and Jonathan Smith for their leadership in founding the Commission. I have been honored to be a commissioner for many, many years. Many, many, many years.

We've undertaken many other efforts. There's a courts group, where we meet with the judges in the court and try to assess what the greatest needs are and how can we do a better job. Well, one of the biggest problems is we have people speaking dozens of languages and have no language access. We need to fund language access for people in poverty confronted by the justice system. So we've done that, and there is now a translation bank where there are individuals who are on-hand or can be brought it to translate in dozens of languages. It's huge. Many, many court documents and legal papers have been translated into the most

common languages so that folks can understand the proceedings against them and what exactly they're involved with in the court system.

We still talk about access to the court system. It's not okay that, for whatever reason, it takes a long time for jurors and defendants and litigants in general to get into the courthouse, going through security. It's a badly-run system, it takes forever. People are stuck out in the cold and rain. It dissuades people, people go away. You can't even get in. Surely, we can fix that. Well, we haven't yet.

Right at this time, by the way, when this got going, the IOLTA funds, which are interest on lawyers' fund accounts. Remember interest? It was a concept where money sitting around earned interest? When the interest rates plummeted, the IOLTA funds available plummeted, so the paltry amount of funds raised by IOLTA now can't really pay for lawyers, but it does help pay for new poverty lawyers. They can augment, if you make I think it's now up to \$60,000 or less, there's funding to help pay back your student loans available. And that's IOLTA funding used for that. Well, that means people can take the job. If you have gone to law school, and it costs over \$50,000 a year each year for three years, plus you ate and had a roof over your head, you're in vast debt, and you can't take a poverty law job because you have to pay back these horrible student loans, these crushing student loans. Well, receiving funding to help you with your student loans is a wonderful thing, and that now happens. And so, countless, countless other initiatives.

Mr. Gross: Public funding has made up for the rest of it?

Ms. Broderick: That's right. Another effort launched by the Commission is called Raising the Bar. We've gone out and asked all the big law firms to donate. We've said, and I can't remember exactly what the percentage is, but it's some miniscule like 1% of your net proceeds, maybe it's even less than that, but if you donate to direct legal services providers – and there's a list of about thirty of us, including our law school's clinics – if you give money to UDC Law School for summer public interest fellowships, for students who are going to work at one of the other legal services providers or in our own legal clinic, you get credit for the Raising the Bar campaign. We publish in the *Law Journal*, we publish it in the D.C. Bar's magazine. You're celebrated at a lovely reception where the Commission is present, and often the Mayor, the Chief Judges come, and the Attorney General has come, the DOJ head of civil rights has come. This year, and it was just last week, the head of the U.S. Commission on Civil Rights came and spoke. It's a wonderful event. People love coming together, and it makes them want to continue. And shouldn't the big firms, making so much money, serve the legal needs of those in poverty. Yes, they should. What a great idea. And so many thousands of dollars are raised to that end.

Mr. Gross: Tying up those other areas that the consortium was trying to work on, the central intake.

Ms. Broderick: No one could ever agree to do that. Spent a million hours to figure that out and we could never agree to do that. But, the world changed. Like

everything else. The internet. And so, you can go online and find out if an organization can take your case, and you couldn't go online and find out where the organization closest to you that does this work is. A lot of that information is now more readily available. I started the *Sound Advice Blog*.

Mr. Gross: Let's talk about that. That's a very, very neat thing. And as you said, it's gone on a long time, and it's watched by people that are not part of the law school community or the legal community. How did it get started?

Ms. Broderick: It was a wonderful confluence. We were in the planning stages of how to address the biggest gaps in the delivery of legal services in D.C. One of them is people don't know their rights, and they don't know where to go for help. Wouldn't it be great if we had a television show that people could see? Literally, that week, I was called by the producer in the studio at UDC who wanted to interview me about the law school. I didn't even know UDC had a TV studio. I went over to the studio, I said, "You want me to talk about the law school? Hell, yeah. What could be better than that? You'll be sorry you pressed that button because you'll be blown back." But, anyway, I got a chance to talk about the law school, and while I was there I said it would be wonderful if we could do a television show on legal issues, and they said sure. It's always amazed me that all the other deans didn't rush over there and say "Hey, I want a television show in my area," but they didn't. Actually now there are a couple of other TV shows they put on, but mine's been on the longest. The producer,

Ed Jones, is spectacular, he works with Cheryl Hawkins who did the initial interview with me, lo' those many years ago. They're just amazing, they do a wonderful job.

They've got a state-of-the-art studio, and we do several different formats. If we're taking the example of a domestic violence issue, I can have a lawyer who represents women and others who are the victim of domestic violence, but we would also have the person who greets you at the courthouse when you go to request a stay-away order. There's a person there who's a domestic violence survivor herself, and can help you find a place to stay where your, typically it's a husband or boyfriend, won't know where you are, but where they'll arrange to be sure that that guy can see the kids. So you and your kids can be safe, but we're not breaking the whole relationship between the child and the other parent, usually the dad. How wonderful if you know that that's possible, because you listen to this television show, and you find out that I can leave that brute and not destroy the family and not destroy the kids' relationship with their dad. It makes it much more likely that I'll do it. And then maybe have a client on talking about what it was like and how she made the decision to leave and to be safe.

Mr. Gross: Have you gotten feedback over the years? What's your sense of once it's out there, are people watching?

Ms. Broderick: It goes to 200,000 households. I get stopped in the street all the time with people who say things like "I don't know why you wear those glasses.

You'd be so much prettier if you'd just take those ugly glasses off." Or, "You need to brush your hair more often." I mean, I've literally had a lot of fashion tips, and I'm not sure that's my strong suit. But I've also had a million interactions with people who've said, "I saw that show you did on predatory lending. A man came and took advantage of my grandmother at her house. She gave him money, and ended up losing the house in a balloon payment through a predatory lending scheme, and she went to the Attorney General's Office and is gonna get her house back." I've had those kinds of things happen a million times, and they used to show the TV show on the monitors all over campus, and people were always sort of suddenly realizing, "That's you. I see you." Or I saw this show, or that show.

Ed Lazere comes on every year. He runs the D.C. Fiscal Policy Institute and talks about the ways in which the D.C. budget should be adjusted to provide more for people in poverty. I have done many shows with members of the Housing Authority talking about what rights you have and what the plusses and minuses are of living in public housing, how do you get in, et cetera. I've done lots of shows with Legal Counsel for the Elderly on the many, many community outreach efforts. If you have a senior who can live well on his or her own with a little help, someone to come in and pay the bills on time every month. I can get the food, I can feed myself, I can get a little exercise, I can have a life, but my memory's not quite as good, and I'm not good with those bills, and so if I

just had that help, and many other kinds of simple help to keep people in their homes. Legal Counsel does that, and countless other wonderful and progressive programs that people can learn about on the show.

Last week I did a show with Advocates for Justice in Education. Two lawyers who are both alums of UDC and the DC School of Law. Rochanda Hiligh-Thomas is the executive director now. So this is a group east of the river. Two of our students in the Juvenile Clinic came to understand that there just aren't enough lawyers to help all the families with kids with special education needs to secure their rights. If you have a lawyer, the law is great. You can really change kids' lives if you have a lawyer to go in and make the government do what they're required to do under the law. But if you don't have a lawyer, you can't. What do we do? We're never going to have enough lawyers. How about if we educate the parents and help the parents to become advocates for their children. And so they do that, and they do trainings of parents. A lot of times parents have two or three kids with special education needs, and they have friends who have kids with those needs, and they become wonderful, and more powerful, advocates, even the lawyers. This organization has now been in place for twenty years or so. It was begun by Kim Jones and Beth Lastow, who are alums. Kim has just moved on to Louisiana, running a legal services operation there, and Rochanda Hiligh-Thomas has been there, I think, for thirteen years, and she's now the executive director. She hired Patrice Wedderburn, who graduated, I guess, about eight or ten years ago

and is now working there. I had them on my show last week talking about where parents can go to get the trainings they need, where they can go to get the help they need to get their kids' issues met.

I've had a grand time with that show. I've had judges on talking about jury duty. There's a new housing court, where the housing court will actually force landlords to make changes to the apartments that are require. Rather than withholding your rent and being evicted, and then going to court to fight that and putting your rent in the court register and all of that. No. How about if we just go in and affirmatively make a showing, and the court requires the landlord to make changes. That's a good idea. But people need to know that such a court is available and that connection. So then the Legal Counsel for the Elderly and the Washington Legal Clinic for the Homeless will have those videos on their websites. You can go on YouTube and put in *Sound Advice*, and look through all of the various shows and, "Oh, my best friend needs to know about this. She needs that kind of help."

Mr. Gross:

It's accessible. I see it all the time.

I think the last piece then is the work you've done on the policy side in D.C. Obviously you've mentioned that these organizations are involved in policy work, but I know you've been involved with D.C. Appleseed, and then more recently in the push for statehood, which is a neat and, I think, historic thing. And you've obviously been at work closely with D.C. government. How did all that get going?

Ms. Broderick: I actually haven't thought about this for a long time because it was a while ago. I think I've told you about being on the board of the ACLU. I think we've covered that territory, and if we haven't, we'll come back together to do that, but I was on the board of the ACLU for about twenty years and on the Litigation Screening Committee, and I chaired the Legislation Committee for the ACLU. Well, then a board member of the law school, a legendary malpractice lawyer, Jack Olender, was President of Bar Association of D.C., and asked me if I would be willing to serve on that board, and I did, and I was asked to chair the Legislation Committee. Somehow, I don't even remember how, I was inveigled to join the D.C. Bar D.C. Affairs Committee. I was asked to chair the Legislation Committee.

Mr. Gross: When was this? Do you have any sense, more or less?

Ms. Broderick: I'm going to say maybe the 1990s. I thought, okay, I'll chair the Legislation Committee, but I'll have one meeting and I'll invite the ACLU Legislation Committee, the Bar Association of D.C. Legislation Committee, and all three organizations' legislation committees would meet together and we could figure out what legislation to work on affecting people in poverty and what should we be doing where we can bring all of these organizations big guns to bear.

One of the things we started doing is thinking about who's going to be the next Mayor after Marion Barry. There's going to be a new mayor. With these poverty law organizations who cared deeply about the District

of Columbia and its future, particularly making sure that those in poverty are heard and considered in the budget process and otherwise, let's do a mayoral candidates forum. I happened to have a university, and we have an auditorium, so we hosted the first mayoral candidates forum at UDC. We co-hosted it with the Appleseed, the Bar Association of D.C., the D.C. Bar of DC Affairs, the ACLU. If I was on your board, you were part of this group, the Consortium of Legal Services Providers, and so on. Because we were this big, huge set of wonderful organizations, all of our organizations have fancy law firm partner board members who had clout, so we could really get a good crowd. We could recruit someone like Colby King to be the moderator of the mayoral candidates program, and we would be the questioners. And we would develop the questions we wanted each candidate to respond to. The first time we did it, Adrian Fenty was ultimately selected as mayor, but it was held at UDC and the 900-person auditorium was full, and it was televised because UDC has a cable television show. So people really learned about the issues and they really learned about the candidates, and we thought that that was an important thing to do in the District.

I got to know Josh Weiner, who was then the head of D.C. Appleseed, and I got to know of the great work Josh was doing with the law firm partners and others who were part of the Appleseed board. We came together and collaborated on many, many activities. Eventually Josh moved on to the Jack Kent Cooke Foundation and Walter Smith came on

board. One August day, I got a call from Walter asking if I'd join his board, and I was honored because they were doing extraordinarily important policy. Boring municipal policy work, but incredibly important. For example, special education. Here is a city with thousands of kids who have unmet special education needs. Let's look at best practices, let's look at who the players are in city government. Let's look at what the policies are. How do we make them better? We undertook a wonderful special education project and really changed how things are done in countless ways.

Another example is HIV/AIDS. D.C. had the highest incidence of AIDS and it just wasn't slowing down, whereas other jurisdictions had gotten their arms around the problem and the numbers of those people infected and affected by the HIV virus was reducing. That number was coming down every year, and we were terrible. So we looked at D.C.'s HIV/AIDS programming and efforts and found them to be horribly lacking. We decided to issue a report card on how we were doing. How are we doing on making sure that the public is educated about how to avoid AIDS and where to get help? "F." How are we doing with learning what the biggest causes are? Well, people exchange needles. How about if we provide free needles to people so they wouldn't share them anymore and they wouldn't spread the virus. Duh. This is a very simple thing to do, let's do it. In any case, we issued a public report card. We notified the Mayor in advance. Heads rolls. The Mayor stood with us when it was

announced and pledged to do a better job and removed the then-head of D.C.'s HIV/AIDS services and brought in new leadership and guess what? Our incidents of HIV/AIDS has gone down sharply. But we issued that report card every year until they got better at it.

Lead in the water. DC voting rights. We ought to have an elected Attorney General. And I can go on and on. Appleseed has taken on a host of wonderful projects. I've been on the board now – I think you're supposed to have a limit of three three-year terms – I think I'm in year twelve or like way past that. I chair the Nominations Committee. I have been a member of the ACLU's Nominations Committee and many other nominations committees. I always think it's because Shelley knows black people, and they think yeah, Shelley knows some black people. We need some black people on this board. It's painful, but it's true. I love that work. And again, I've had the opportunity to work with Walter Smith and Jon Bouker, who's the chair of the Appleseed board, and others on municipal policy, trying to move the needle to make things better.

Mr. Gross: Did your participation in the statehood push last year that culminated in a new draft constitution come out of that work?

Ms. Broderick: No. So, in about 1980, Councilmember Hilda Mason, who chaired the Education Committee, asked me to join the Statehood Party. And I did join the Statehood Party, and I have been a card-carrying member of the statehood party since then. I've been involved in a number of statehood activities over the years, and so it's always been important. I am morally

offended by the fact that District of Columbia residents have no voting representation in Congress. That's not right. That's not how we do things anywhere else in the country or in the world. It's ridiculous. So I've been in various statehood activities for decades. Mayor Vincent Gray was adamant about statehood. Vince Gray was a founding board member of the law school, he brought the *Joy Evans* case to Antioch Law School. Joy Evans was someone with mental retardation, who was housed at the Forest Haven Institution for people with mental retardation, where she died from poor care and, it turns out, countless other people were neglected and abused and died at the hands of folks at Forest Haven. Antioch Law School got Forest Haven closed and got community placements for the folks who were formerly housed at Forest Haven.

Ms. Broderick: I had a long, long friendship with Vince Gray, and he was adamant about voting rights for the District. And of course Eleanor Holmes-Norton I worked with for a million years, and she's adamant about voting rights. So when Mayor Bowser came in and decided that was going to be a big push, Beverly Perry, her senior advisor, asked me if I would join the legal committee, along with the interlocking director, Walter Smith from D.C. Appleseed. Jon Bouker from Arent Fox. Jon Bouker is on the law school board, he chairs the Appleseed Board, he's on the Access to Justice Commission with me, he's on the Norton Commission, Federal Law Enforcement Commission with me to help pick the federal judges, the United States Attorney, and the US marshals. I see a lot of him. But Jon,

Walter, and I and other fellow travelers, Fred Cooke, former Corporation Counsel, sat around a table for dozens and dozens of hours last spring and summer developing a new constitution for the District of Columbia because we really thought there'd be a Democratic Congress and Democratic President. Hilary Clinton came out in favor of statehood, and we thought we would be able to move the needle on voting rights for D.C. residents.

So on Emancipation Day in 2016, we went to the Lincoln Cottage, where he wrote the Emancipation Proclamation, and the Mayor and the Statehood Commission, comprised of five members, the Mayor, the Chair of City Council, Phil Mendelson, Michael Brown, Paul Strauss, and Franklin Garcia, the three shadow members of Congress, and they issued the new constitution. We called for public comment, and we got more than 500 public comments. We did public fora at UDC and did every Ward in the city. We had a constitutional convention. I was honored to serve as parliamentarian at the first day of the three-day constitutional convention out of Ward A in Anacostia, with the blue high school band and great, great excitement. The D.C. Council voted to put it on the ballot, and the electorate in the District of Columbia, 86% voted in favor of statehood. And then President Trump was elected, and there has not been any interest shown as yet in providing statehood for the District or voting rights. So that was a huge disappointment, but as you've heard in

this commentary, I've had lots of disappointments. We tend to prevail in the end.

Mr. Gross: You do. Lots of triumphs.

Ms. Broderick: And so onward and upward.

Mr. Gross: Not many people can say they've worked on a state constitution either, which is a neat opportunity. You've been a part of conventions and things like that.

Ms. Broderick: It was wonderful. Paul Strauss and I went on the Kojo Nnamdi show to talk about the issues. And then, recently, in 2017, on April 14, we hosted a symposium called "D.C. Democracy in the Time of Trump: 51 and 45," meaning 51st state and the 45th president. It was a symposium with nineteen speakers. The Mayor's senior counsel kicked it off. We had the Office of Legal Counsel for the Mayor, Betsy Cavendish. Mark Tuohey is the legal counsel in charge of all of the D.C. government agencies. And then Natalie Ludaway, second in command for the office of the Attorney General. So the three big lawyers did a panel that was moderated by former Attorney General Bob Spagnoletti. And we had Wade Henderson, who runs the Leadership Conference on Civil and Human Rights and is also the Joseph L. Rauh junior chair of public interest at UDC Law, gave the luncheon keynote. I moderated a panel with Jon Bouker, Walter Smith, Ward 3 Councilmember Mary Cheh, and Eugene Kinlow of the Mayor's Office of Government Relations, and Bo Shuff of D.C. Vote talking about where the biggest threats under the Trump Administration to

D.C. democracy and what are some of the opportunities we have to move the needle forward toward democracy. And then we had a panel of journalists. We had Aaron Davis from *The Washington Post*, and we had WAMU Martin Austermuhle, and James Wright from *The Washington Reporter*. That was a very lively panel. And then Jamie Raskin was our capstone speaker. It was a wonderful symposium. Extremely well-attended. Something like 160 people all told participated during the day, the Friday of a three-day weekend. So I did that in cahoots with our *UDC Law Review*, and we'll be publishing the constitution and articles by many of the speakers in the coming months. Moving the needle on D.C. democracy.

Mr. Gross: I hope it happens in my lifetime. If not, in my child's lifetime.

Ms. Broderick: We never thought we'd have marriage equality. We never thought we'd see a lot of the progressive changes we've seen. So we live in hope, and we keep a shoulder to the wheel.

Mr. Gross: The last piece in this D.C. policy advocacy politics world is your involvement in the creation of the Attorney General for the District of Columbia.

Ms. Broderick: Well, like everything else, there's a history to that.

Mr. Gross: And this is an oral history so it's a good thing.

Ms. Broderick: Years ago, it used to be that the Mayor appointed the Attorney General. I was honored to be asked by Anthony Williams, who wanted to make it a little more democratic process. He formed a commission, the Blue Ribbon

Commission, to make recommendations to him about who should be the next attorney general, and I was one of about fifteen commissioners. We spent days interviewing candidates. It was going to be the first attorney general. The city lawyer always before had been called the Corporation Counsel. We selected, and the Mayor approved, Robert Spagnoletti as the first attorney general. Bob Spagnoletti did a wonderful job, but we were very unhappy because we thought that the attorney general should report directly to the Mayor, and Anthony Williams thought the attorney general should report directly to a deputy mayor. We thought that lowered the visibility and was not a good plan. So I got very involved with it at that time, with thinking about the role of the attorney general. One of the big questions is who's the client. So is the mayor the client of the attorney general, or is it the city, the resident of the District of Columbia? This had never been really addressed, and it's interesting.

Then Adrian Fenty became mayor and he appointed Peter Nichols. Peter Nichols was a terribly controversial attorney general. There were people who loathed and despised him and thought that he exceeded his power and thought that he was really the mayor calling the shots. Peter was a former big law firm partner with balls of steel, let's put it that way. Peter had a swagger to him that was off-putting to a lot of people. I remember the very first speech he made. The D.C. Bar, D.C. Affairs Committee invited him to the D.C. Council to speak to us about how he saw the role. Peter said, "As a private lawyer doing major pro bono

cases, I convinced the judges when we sued the District to open class actions and to come up with consent decrees forcing the city to change the way it did business and to spend literally millions and millions of dollars addressing wrongs. And when I spoke, the courts did what I told them to do, and now I'm attorney general. And the fact is the city can't afford to waste all the money it's spending in addressing those consent decrees. I'm going to speak, and the judges are going to listen." And I remember sitting, listening to that, thinking, "Good luck with that. That'll be interesting to see." And of course it didn't shake out that way. But folks at D.C. Appleaseed and in other advocacy organizations around the city felt that the Peter Nichols model of attorney general was really the lawyer for the mayor, and that that's not how this role should be. That this should, in fact, be the lawyer for the residents. And so, Appleaseed and others started a movement for an elected attorney general. And, again, we had public fora to discuss this. I convened along with the usual suspects, Appleaseed, the ACLU, the D.C. Bar, the D.C. Affairs, and other organizations, co-sponsored for a where we brought together Peter Nichols; Bob Spagnoletti; Fred Cooke, Corporation Counsel under Mayor Barry; Inez Smith-Reid, another Corporation Counsel under Mayor Barry. There may have been another one or two. And, actually, Phil Mendelson came to have a conversation about who is the client. How should this be, and to hear from people who've held the ranks in that position and from others who had contrary views. So it was a very lively, packed room, a very

important forum. By the time that the election happened, we got it on the ballot and the citizen re-voted overwhelmingly to do what, I think, forty-three other jurisdictions had done, which is to have an elected attorney general. But by that time, the mayor was Vince Gray, and he had appointed Irv Nathan, and people were a lot happier with Irv Nathan. And Irv Nathan thought oh no, this is terrible. We don't want an elected attorney general. What's going to happen with an elected attorney general is they're going to want to be mayor. So you're setting up a conflict that the mayor's lawyer, the lawyer for all the agencies, is in fact going to be running against the mayor and thwarting the mayor's will. It's a train wreck. All the chief lawyers for the agencies who used to report to the attorney general under an elected attorney general would no longer do that. And all of those agency lawyers would report to the Office of Legal Counsel in the executive branch. They pretty much cut the job in half. And so today Mark Tuohey is the Office of Legal Counsel for the executive branch and is the lawyer to whom the agency lawyers report, and Carl Racine was elected attorney general, and he handles all of those consent decrees, many of which have ended, and handles the juvenile cases and brings landlords – right now, there's a huge case against a major landlord to make huge fines and transform the housing projects that he runs. Otherwise clean up the city.

Mr. Gross:

So far you're happy with how it's turned out?

Ms. Broderick: Well, I think it's very interesting we're still on the shakedown cruise, and seeing how this works. And there's some speculation that Carl Racine will run for mayor, and is that the kind of scenario we want to see going forward? Well, I don't think there's any going back. I think we're going to continue with an elected attorney general. And I think Carl Racine's done a terrific job. It will be very interesting to see.

I had the honor in the most recent election of moderating the Mayoral candidates forum, which I loved doing. Muriel Bowser prevailed, but her opponents got the chance to do that. I also had the opportunity to moderate a candidate's forum with the five people who ran for the Attorney General slot. We hosted also at UDC a big forum with all the same usual suspects, the advocacy community. The judges came to UDC to learn more about who the candidates were. So, I've had wonderful opportunity as the Dean of the law school at the public university to really bring parts of the community together who don't come together otherwise and to educate our students and the community about the most important issues of the day.

Mr. Gross: Thank you.

Ms. Broderick: Lucky me.

Mr. Gross: Lucky you.