

Why We Fight, Part II

by Don Knight

In the last column, inspired by Frank Capra's World War II era series of short films designed to motivate the troops going to battle and titled *Why We Fight*, we heard from several municipal attorneys who answered the question: What do you get out of representing a local government that you wouldn't get from representing private clients?

There were more great responses than space allowed, so in this column I will share the rest.

More Chicken Soup for the Municipal Attorney

Anne C. Linn, Attorney for the City of Waukegan (Building, Zoning and Code Compliance) is a second-generation municipal attorney:

> As my father, Murray Conzelman (a 50-year municipal practitioner) and my long-time mentor, Tom Compere (the dean of municipal lawyers in Illinois, and great friend to all in the old NIMLO) both said, "You won't get rich being a municipal lawyer, but that's not why you do it. You practice municipal law because you love the variety, the challenge, and the feeling that you are making a difference." This is especially true if you practice in the same town in which you live. I am so proud to be a part of the municipal community.

Annette Jones (Assistant City Attorney, Waco, Texas) adds:

> As a student at Austin College, I participated in a Jan Term at the [Texas] Constitutional Convention in January 1974… Hawkins Menefee …helped to set up the month long internships. At the end of that, he sent everyone a letter. ...[that] made reference to a statement of Theodore Roosevelt. Essentially, good people must enter government or be content to be governed by those who do. I believe that. And any time I get a little depressed or irritated, I remember that letter. From the time I left Austin College to go to Baylor Law School, I never wanted to go into private practice. I wanted to go into government service.
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> We have lived through several decades of certain politicians demonizing government. Yet, when things are at their worst, it is the government that people turn to. The last eight years have really created a situation where it is difficult for people to believe in government. These people seem to view government that only exists to serve their personal interests, not the good of the whole country, or the whole community. I believe that government can serve people and provide for the betterment of the community as a whole.

Robert Spence (Staggs & Spence, LLC, Tuscaloosa, Alabama) wants you to know that it isn't just the American Civil Liberties Union (ACLU) that safeguards civil liberties:

> At the [International Association of Chiefs of Police] meeting last year, a retired North Carolina lawyer spoke movingly about one of her mentors early in her career. He lamented that the ACLU was credited with safeguarding civil liberties in America. In his view, the true champions of civil liberties were the lawyers who actually provided legal advice to law enforcement. They were the ones who saw to it that the officers knew and followed the law. I'm an adherent of this view, and I have to say that I believe the officers I represent believe that, too. They are dedicated to protecting the citizens in their communities, but they want to do so in a way that upholds the principles of the Constitution. I love the fact that I get to help them do that.

Frank Bartolone, Senior Specialist Attorney for South Florida Water Management District, sums it up succinctly:

> As a college Latin major ... I found that the writings of Cicero had a profound impact on where my life was headed. One of my favorite quotes and one which has inspired me for almost 30 years as a local government lawyer is: *Salus populi suprema est lex*. (The people's good is the highest law.) That about says it all for me.

Marcus W. Norris (City Attorney, Amarillo, Texas) gives the perspective of a reformed commercial litigator:

> For seven years, I was in a private law firm doing both plaintiff and defense commercial litigation in San Antonio. By the seventh year, I was very cynical about the law. I felt like it was simply a wealth transfer system between business owners in the community, who always wanted to complain about the

fee. (Private practice was not totally negative, as I learned much from a wonderful mentor about practicing law. The disciplines, outlooks, and methods I learned there have contributed to my success as a municipal attorney.)

When I entered municipal law, I took a 50% pay cut .... I have now been in municipal law over 16 years and have never once regretted the move. To my delight, not every legal assignment is determined solely by money, as it was in private practice. Instead, constitutional principles or public policy often determine the direction of our legal work. Moreover, I feel like I am on the inside of what is happening in my city so I have a meaningful opportunity to use my knowledge and abilities to help solve problems in my community and to make my city government more responsive. Besides, what other lawyer can occasionally go ride in a fire truck or police car as part of his field research on city personnel needs and concerns? Most days, I feel very good about my job when I go home.

Lauren O'Connor (Assistant City Attorney, San Antonio, Texas) likes representing clients whose job requires them to focus on the common good:

> When representing individuals, it is generally all about that person's self interests. While there is nothing wrong with that (after all, it's the lawyer's job), there is something much more satisfying in working with people on a daily basis whose sole interest is in benefiting the public at large, and my fair city.

Steve Kemp (City Attorney, Peoria, Arizona) shares a purpose that we can all relate to:

> [I]n 25 years of practice, I have represented both private and public clients. For me, public service has been about participating in and building a community. The work that I have done as a local government lawyer has led to an innovative outside storage ordinance in a rural Arizona county, a joint-use agreements for retention and parks that permitted parks to be built years ahead of schedule. I mention these not because I desire any credit [but] rather, as examples of how our work as a local government lawyer can directly impact the lives of the people who live in the communities that we serve. Our profession allows us to say that we leave our communities after our service in a better place than we found them.

Lynn Gordon, who represents the City of St. Petersburg, Florida, knows it is important to remember who your client is.

> I love my municipal work because of the challenge and variety. Although much of what I do involves collections, foreclosures, and bankruptcy, I do it all because it's in the best interest of my client, the City. I treat my municipal client the same way I would treat a client if I were in private practice. I often remind my departments that we have to consider what is in the City's best interest. Some of what I do may adversely impact a citizen (getting a judgment against someone or foreclosing a mortgage), but for the greater good, I must do what is sometimes a most unpleasant task. At the end of the day, most days, I leave work feeling satisfied, not because I accomplished everything on my to do list that day, but because I know I represented my client to the very best of my ability, while still being as fair as I can to those on the other side, because those on the other side are the citizens of the City I represent.

I'm going to let a fellow Texan put it in terms anyone can understand. Mary Ann Powell, the First Assistant City Attorney for the City of College Station, Texas, says, "As in the old westerns on TV, I tell people I get to wear the white cowboy hat."

A Good Reminder

I don't know about you, but reading these contributions helps remind me why I do what I do. So I think I'll take my advice from last time and keep this list handy for those days when I start to forget.

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