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Spheres Of Influence

Daily Journal

TOP 100

From left: Warren
Christopher,
Richard Hasen and
Thomas Mesereau

Photo by Robert Levins

Spheres of Influence

By Susan McRae

Warren M. Christopher once said that people who have to talk about influence wouldn't keep it for very long.

Put another way, that eccentric Spanish surrealist Salvador Dali wrote in his autobiography, "The secret of my influence has always been that it remained a secret."

Although all the Daily Journal's Top 100 honorees for 2005 demonstrate the way legal influence works, three of them embody sharply distinctive styles over three generations.

If one thread unites them, it is their remarkable energy and prolific body of work.

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Christopher, 79, stands out for his extraordinary achievements in government, politics, diplomacy and civic reform.

Criminal defense attorney Thomas A. Mesereau Jr., 55, draws from his celebrity in high-profile cases to bring attention to the needs of indigent and minority defendants in the inner city and the Deep South.

Loyola Law School professor Rick Hasen, 40, author, teacher and campaign-finance specialist, uses his Internet Web diary to bring together lawyers across the country interested in creating a specialty practice in the growing discipline of election law.

Dali would have approved of the way in which Christopher, Mesereau and Hasen avoided using their influence overtly or for self-aggrandizement, which, our experts attest, would be a sure way to lose it.

Christopher began as a young lawyer working with California Gov. Pat Brown, later serving as U.S. secretary of state. He is best known for negotiating the 1981 release of 52 American hostages held in Iran for 444 days.

Back in Los Angeles, Christopher headed the local commission on police reform that bears his name. Between his stints in public life, Christopher has worked as a senior partner at O'Melveny & Myers, handling a full range of commercial litigation with a focus on antitrust and contractual matters.

"He's thoughtful, incredibly intelligent and has his ego under control," says longtime colleague Mickey Kantor, former U.S. secretary of commerce, who worked with Christopher in the Clinton administration.

Kantor also served on the Christopher Commission, created to reform the Los Angeles Police Department in the wake of the 1991 beating of black motorist Rodney King by four white officers.

Kantor says Christopher's leadership, from the way he organized his agenda, put together his staff, dealt with each commissioner and calmly articulated his ideas, had a profound effect on reforming the department.

"He wasn't willing to issue just another report but allowed each commissioner to believe he moved it along himself," Kantor recalls. "Just watching him do that and keep his ego under control had a great influence on me."

Another longtime colleague, retired O'Melveny & Myers senior partner Mark Steinberg, who assisted on Christopher's memoirs, recalls a remark Christopher once offered about influence that left a lasting impression.

"One of the things he said to me was,

'A person who talks about influence doesn't have it for very long,'" Steinberg says. "It's one of the aphorisms I adopted for myself and like to use when the moment arises."

Describing how Christopher has used his influence to benefit others, Steinberg cites Los Angeles City Attorney Rocky Delgadillo as an example.

When Delgadillo left O'Melveny & Myers to pursue more civic endeavors, the former associate sought and received encouragement from Christopher.

Several years later, Christopher became co-chair of Delgadillo's successful campaign for city attorney. He now serves as campaign co-chair in Delgadillo's bid for state attorney general.

"When Warren Christopher has confidence in someone, others will tend to share that view," Steinberg says. "I think Chris saw in Rocky an able and talented person, and his own support and public statements to that effect certainly added to and enhanced [Delgadillo's] credibility."

Paraphrasing the E.F. Hutton ad, Steinberg says, "When Warren Christopher talks, people listen."

Far from the centers of government and corporate power, celebrity is another way lawyers wield influence.

Mesereau was little-known until he represented actor Robert Blake and singer Michael Jackson. Few knew of his volunteer work at a South Los Angeles inner-city legal clinic or his pro bono representation of indigent

defendants in Alabama and Mississippi death-penalty cases.

UCLA law professor Michael Asimow, co-director of Sunday Free Legal Clinic at the First African Methodist Episcopal Church, where Mesereau volunteered his services for six years, says Mesereau's prominence, publicized through his high-profile cases, drew more volunteers and clients to the clinic than ever before.

"Tom's prominence, because of the big cases he worked on and the fact that the news coverage often said he worked at the legal clinic, caused people to want to work with us, and law students really wanted to work with him," Asimow says.

When the BBC came calling for an interview, after Mesereau won bail for Blake during his preliminary hearing, Mesereau insisted the reporters join him on a march through Watts with mothers rallying against gang violence in their neighborhood.

Mesereau also brought the TV show "Celebrity Justice" to the Deep South to cover one of his capital murder cases.

Fame can cut both ways. The prosecutor in that case called Mesereau a "Holly-

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Paraphrasing the E.F. Hutton ad

"Clarence Darrow used big cases to get attention for his pro-bono work on lesser cases. Tom Mesereau is following in that tradition."

— Jean Rosenbluth,
Law professor

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wood fraud," in court.
 "But I won the case," Mesereau says.

Recently, he received a request for an interview from Barbara Walters. In her letter, Walters indicated that she didn't want to discuss Jackson but instead to focus on all his pro bono work.

"There have always been celebrity lawyers," says Jean Rosenbluth, a professor at USC Law School and head of the legal writing and advocacy program there.

"Clarence Darrow used big cases to get attention for his pro-bono work on lesser cases," she says. "Tom Mesereau is following in that tradition."

Rosenbluth, who served as a commentator during the Jackson trial — another way in which lawyers wield influence — said the difference today, between Mesereau and Darrow, is that technology makes one instantly famous.

"Because of that, you certainly have more opportunity to wield the fame you gain," she says.

A prime example is the introduction on the Internet of Web diaries, popularly called blogs, which quickly graduated from personal rants to respected mainstays of news and information.

Hasen is one of the gurus in this burgeoning new medium.

An expert in election and campaign-



Above, David Roeder celebrates as he arrives in Frankfurt, Germany, in 1981. He was among 52 American hostages held in Iran for 444 days.



Left, Broward County, Fla., canvassing board member Judge Robert Rosenberg examines a disputed ballot in 2000.



Above, Michael Jackson's lawyers Susan Yu and Thomas Mesereau arrive at the Santa Barbara County courthouse in April during Jackson's child-molestation trial.

finance law, he has written a textbook and helped launch a quarterly peer-reviewed journal on the subject. In addition, Hasen recently wrote a book examining 40 years of U.S. Supreme Court cases involving election law and political equality.

Attorney Fredric D. Woocher recalls



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that, when Hasen told him several years ago he was launching a blog on election law, Woocher had to ask him what the word meant.

"It sounded like blob," Woocher, who specializes in election-law, says. "My immediate reaction was, 'Who's going to care about someone's musings?'"

"Needless to say, I was wrong."

"I don't know where he finds the time to do all this. I think there are three Rick Hasens, like the guy on the TV commercial who cloned himself."

— Fredric D. Woocher,
Attorney

Boosted by his background in academia, Hasen started a Web diary and list-serv that, experts in the field say, has done more than anything else to spotlight election law as a specialty practice in its own right, rather than a subcategory of constitutional law.

"He really brought together a whole new community of people who never had a forum of communication with each other," Woocher says. "Partly, it was timing, with the [2000 recount scandal] in Florida and the [2003 gubernatorial] recall in California."

"Now," he says, "it's one of the first places you go. It's a wonderful clearing-house."

Chuck Bell, counsel to the California Republican Party and litigation counsel to Gov. Arnold Schwarzenegger, says he read Hasen's blog every morning when strategizing the successful recall of former Gov. Gray Davis.

Since then, Bell says, he's remained a daily reader, calling Hasen's coverage "comprehensive, useful and attuned to controversies."

"I consider Rick sort of a wunderkind," Bell says. "I enjoy reading his commentaries and think very highly of him. We tend to be on opposite sides on issues, but his [observations] are really welcome, refreshing and informative."

Moreover, Woocher adds, Hasen is amazingly prolific.

"You will be talking about something one day," Woocher says, "and three hours later he's written and posted an op-ed piece on the subject."

"I don't know where he finds the time to do all this. I think there are three Rick Hasens, like the guy on the TV commercial who cloned himself."

Boalt Hall professor Daniel A. Farber, who knows of Hasen through his scholarship in creating a focused field in election law, notes the influence of other scholars-turned-bloggers, such as UCLA law professor Eugene Volokh, another member of the Daily Journal's Top 100.

"Gene Volokh is another example," Farber adds. "He's very well-regarded as a scholar, but I think the blog has had a much larger impact."

Technology also has been influential in the legal arena, Farber says, particularly

LexisNexis and Westlaw legal-information Web sites.

"People used to read only 15 or 20 law reviews for information," Farber says. "But now, the Internet services have made it easier to tap into a much broader range of publications and to write something influential, even it doesn't appear in a prestigious journal."

The study of law itself also has expanded its influence into many other disciplines.

Rosenbluth notes that a law degree has become a badge of experience and expertise that sets one apart from others in whatever profession one ultimately chooses.

She lists the many instances today of

people who are a lawyer and something else: lawyer/doctor, lawyer/novelist, lawyer/politician, lawyer/teacher.

"It makes the influence of lawyers even more pervasive," Rosenbluth says. "Whether or not the knowledge is there, others are going to perceive you as having this level of knowledge ... to interpret certain documents in the field, handle legal issues that arise."

"It gives you a leg-up."

Stanford Law School Dean Larry Kramer agrees.

"There has been a general shift to lawify things since the Warren Court," Kramer says. "Lawyers have replaced economists and historians as people to

look at for comments on public issues."

Christopher, a Stanford alumnus, is a perfect example of the old-school way of doing things, Kramer says.

"He was a *consigliere*, a counselor," Kramer says. "His influence came from counseling people, the president, clients. He advised and assisted."

"He wasn't the front person, but he wielded a major influence across generations," Kramer adds. "There probably still are people doing that in law, but lawyers are emerging as a frontperson more often."

"I think if you look back to the Warren Christopher generation, it was thought *déclassé* to seek the limelight," he says. "That's not the case anymore."



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