

Introduction  
of  
Professor Chai R. Feldblum

Judge Frank M. Coffin

Tenth Annual Frank M. Coffin Lecture  
on Law and Public Service

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It is a source of special pride and joy to be involved in bringing to Maine, for the second time in seventeen years, your speaker - who has given new meaning to the theme of this lecture series, law and public service.

As I have followed her career since she left my chambers, I see a consistent theme, evident even before she went to law school, of striving to make law better serve people. She has had the rare thrill of high achievement at a very early age but has had the wisdom to realize that steadiness and focus are far more valuable than high profile. Chief Justice A. T. Vanderbilt of New Jersey said, a long time ago, "Reform in the law is not for the short winded." Chai is a very long-winded person.

At age 30, shortly after leaving Justice Blackmun's chambers, Chai found herself in the grip of a seismic movement in removing barriers in disability law. A multitude of interests had come together. Chai, then working as legislative counsel for the ACLU, found herself as lead counsel for 120 organizations. She and Pat Wright, executive director of the Disability Rights Educational Defense Fund, led the fight which finally culminated in the passage of the Americans with Disabilities Act in July of 1990. This was a major achievement, since the Bush administration and both houses of Congress had to be brought together in a historic legislative act.

Chai and Ms. Wright were given a rare, though ill-intended tribute by the National Review, which was thoroughly disgusted by the whole affair. In a scathing article, the Review charged Feldblum and Wright not only with helping write the bill, but "call[ing] most of the shots throughout the legislative process." According to a disaffected New Hampshire Congressman, "Chai and Pat control[led] the votes on the Judiciary Committee." And, in the eyes of the National Review, most unforgivable was the deference shown to them by the Republican White House, which would refer amendments to them, have them looked over for approval by the two chieftains, and then receive back "a package of amendments the White House was permitted to support."

The picture of two young women standing like Colossi bestride a cowering Congress and a craven White House is surely without rival, with the possible exception of the power wielded over the nobles and Dauphin of France by the Maid of Orleans. Overblown though it was, and not the kind of publicity one welcomes, the criticism was a veiled tribute to a most effective job.

But Chai, seeking a change from such a fast lane, took a leave of absence to serve as visiting professor at Georgetown. Here she found her academic base. And though tempted to join the Clinton Administration, what sold her on staying permanently at Georgetown was a serendipitous event - her creation of the Federal Legislation Clinic, the only one in the country.

Consisting of two Fellows, each supervising six students, the clinic serves two to four charitable or public interest organizations each year, working on legislation in such areas as welfare reform, family violence, medical privacy, mental health and criminal justice, and AIDs funding. The students gain experience in research, writing, editing, presentation, developing strategies, forming coalitions, and negotiating with Congressional staffs, administrative agencies, and advocacy groups. The clinic, in the words of former Associate Dean Peter Byrne, is "one of the most respected and sought after legal learning opportunities in the nation."

The focus of Chai's efforts is to train what she has called "the legislative lawyer." The need for this new type of legislative lawyer has dramatically increased as the task of legislative drafting has become fractionated. Once the preserve of the legislative counsel of House and Senate, and of committee staff counsel, legislative drafting has now jumped the fence. Increased turnover of committee staff and consequent erosion of institutional memory; new kinds of legislation such as the massive, omnibus end-of-session major reconciliation bill, where last minute substantive additions can be hidden in the global package; individual members who view themselves, in the words of one observer, as "entrepreneurs in a vast open marketplace," at the service of interest groups; and the lobbyist "who just happens to have a draft in my pocket" have all conspired to change the ground rules.

To the legislative lawyer who would work in this maelstrom, Chai brings her own approach. In the words of Dean Byrne, "As a good advocate, Chai understands the difference between a principle and practice, embracing compromise as the meeting ground of people of good will with different needs and outlooks. She calls herself 'A pragmatist with passion.' She expands the possibilities for agreement by the purity of her own motives and by her sincere embrace of the dignity of opponents."

With one foot in the Academy and the other in not only working on significant legislation but developing a new breed of lawyer, Professor Feldblum come to us, unlike all previous Coffin Lecturers, in mid-career, but already with a unique record of melding a life in law with a life in public service. I am deeply honored to present the Tenth Coffin Lecturer, Professor Chai Feldblum.