

Jon Wainwright: Hello, and welcome to another episode of Policy Change In Practice. Today we are sitting down with Professor Brian Landsberg. He's a Professor of Law at the McGeorge School of Law. Thank you for joining us.

Brian Landsberg: My pleasure.

JW: And he's also a member of the Board of Trustees for the Lawyers' Committee on Civil Rights and is the Chair of their Amicus Section. We're going to be talking a little bit about the work that they do. To get some background, could you let us know when the Lawyers Committee on Civil Rights started, and what was the impetus for starting it?

BL: In 1963, President Kennedy was concerned as civil rights protests were mounting in the Deep South, that there were not lawyers representing the civil rights demonstrators. He summoned leaders of the American Bar to the White House and urged them to form a committee to provide, basically, pro bono representation for African Americans in the South. So that was the impetus for the creation of the Committee.

JW: And now, a little over 50 years later, how has that evolved? What does the Committee do now?

BL: Well, of course the work has changed considerably because we did have a lot of progress in the 1960's and 70's in civil rights law. So now, the organization spends, I would say, a large percentage of its time on voter protection activities, on equal education, on fair employment, on fair housing, and on racial justice in the criminal justice system.

President Obama recognized the efforts of the Lawyers' Committee on its 50th Anniversary and invited us to a reception at the White House where he spoke about how important that work of the Lawyers Committee is.

JW: That's great. And as we said before, you're the Chair of the Amicus Section of the Committee. So, what does your section do to advance the Committee's goals?

BL: The Amicus Committee of the Lawyers' Committee files briefs in the Supreme Court of the United States and cases that affect the areas of interest to the Lawyers' Committee. So, for example, so far this term of Court, which started in October, we have filed, or are about to file, in five cases involving employment discrimination, involving voter discrimination, and other issues.

JW: And that's sort of a different tool for policy change than we've discussed on previous episodes. So what is the process like for determining which Court cases you file the amicus briefs on?

BL: Well, we look to see what cases, of course, the Supreme Court agrees to hear. And once we've seen that, the staff of the Lawyers' Committee sifts through them and makes

recommendations to the Committee that we will file in particular cases based on how they affect our interests.

The case doesn't necessarily have to be directly a race discrimination case in order for it to qualify for an amicus brief. For example, it could be a fair employment case that involves sex discrimination or a religious discrimination. But the issue may have an impact on race discrimination issues and so we would file a brief in the case.

JW: It seems like this is, kind of, a good place to be engaging in policy change in the sense that when the Supreme Court rules on something, that tends to be the final say on whether or not policy goes one way or the other. From your perspective, how effective has the work of the Lawyers' Committee been?

BL: We have a pretty good win/loss record. You know, it's always hard when you're filing an amicus brief to know exactly what our impact on the Court has been. But one of the things about the Lawyers' Committee that distinguishes it from some other committees is because we have been doing this for over 50 years, we have developed an institutional reputation for doing high quality work, work that is reliable, and has credibility with the Court. So, we like to think that they pay attention to what we file.

JW: Do you see the importance of the work the Committee does changing now with the new makeup of the Court?

BL: Well, the Court, of course, has changed many times over the past 50 years and we have to calibrate what we file, frankly, sometimes - and I think is true of other lawyers as well - we are pitching our brief to Justice Kennedy because he is the, often the swing Justice on civil rights cases.

But the Lawyers' Committee does also sometimes vet the nominees for Supreme Court and make recommendations to the Senate on them; although we don't always do that.

JW: Thank you so much for taking the time to chat with us today.

BL: My pleasure.